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Patel, Km. Maniben Vallabhbhai (Mehsana)

Patel, Shri Manubhai Motilal (Gujarat)

Patel, Shri Meetha Lal (Sawai Madhopur)

Patel, Shri Nanubhai N. (Bulsar)

Patel, Shri R. R. (Dadra and Nagar Haveli)

Pathak, Shri Ananda (West Bengal)

Patidar, Shri Rameshwar (Khargone)

Patil, Shri Balasaheb Vikhe (Kopergaon)

Patil, Shri Chandrakant (Hingoli)

Patil, Shri D. B. (Kolaba)

Patil, Shri Deorao (Maharashtra)

Patil, Shri S. B. (Bagalkot)

Patil, Shri S. D. (Erandol)

Patil, Shri U. S. (Latur)

Patil, Shri Vijaykumar N. (Dhulai)

Patnaik, Shri Biju (Kendrapara)

Patnaik, Shri Sivaji (Bhubaneswar)

Pattanayak, Shri B. C. (Orissa)

Patwary, Shri H. L. (Mangaldoi)

Periasamy, Dr. P. V. (Krishnagiri)

Pertin, Shri Kakin (Arunachal East)

Phirangi Prasad, Shri (Bansgaon)

Pipil, Shri Mohan Lal (Khurja)

Poddar, Shri R. K. (Bihar)

Poojary, Shri Janardhana (Mangalore)

Prabhu Singh, Shri (Haryana)

Pradhan, Shri Amar Roy (Cooch Behar)
Pradhan, Shri Gananath (Sambalpur)
Pradhan, Shri Pabitra Mohan (Deogarh)
Pradhan, Shri Patitpaban (Orissa)
Pradhani, Shri K. (Nowrangpur)
Prasad, Shri K. L. N. (Andhra Pradesh)
Prem Manohar, Shri (Uttar Pradesh)
Pullaiah, Shri Durur (Anatpur)

Q

Qasim, Syyed Mir (Jammu and Kashmir)
Qureshi, Shri Mohd. Shafi (Anantnag)

R

Rachaiah, Shri B. (Chamarajanagar)
Raghavendra Singh, Shri (Unnao)
Raghavji, Shri (Vidisha)
Raghbir Singh, Shri (Kurukshera)
Raghu Ramaiah, Shri K. (Guntur)
Rahamathulla, Shri Mohammad (Andhra Pradesh)
Rahi, Shri Ram Lal (Misrikh)
Rai, Shri Gauri Shankar (Ghazipur)
Rai, Shri Kalp Nath (Uttar Pradesh)
Rai, Shri Narmada Prasad (Sagar)
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Rajan, Shri Pattiam (Kerala)
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Rajender Kaur, Shrimati (Punjab)
Raju, Shri K. A. (Pollachi)
Raju, Shri P. V. G. (Bobbili)
Raju, Shri V. B. (Andhra Pradesh)
Rakesh, Shri R. N. (Chail)
Ram, Shri R. D. (Palamau)
Ram Awadhesh Singh, Shri (Bikramganj)
Ram Charan, Shri (Jalaun)
Ram Deo Singh, Shri (Maharajganj)
Ram Dhan, Shri (Lalganj)
Ram Gopal Singh, Chaudhury (Bilhaur)
Ram Kinkar, Shri (Bara Banki)
Ram Kishan, Shri (Bharatpur)
Ram Murti, Shri (Bareilly)
Ram Sagar, Shri (Saidpur)
Ramachandran, Shri P. (Madras Central)
Ramalingam, Shri N. Kundanthai (Mayuram)
Ramalingam, Shri P. S. (Nilgiris)
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Ramamurti, Shri P. (Tamil Nadu)
Ramapati Singh, Shri (Motihari)
Ramaswamy, Shri K. S. (Gobichettipalayam)
Ramaswamy, Shri S. (Periakulam)
Ramdas Singh, Shri (Giridih)
Rameshwar Singh, Shri (Uttar Pradesh)
Ramji Singh, Dr. (Bhagalpur)
Ramjiwan Singh, Shri (Balia)
Ramoowalia, Shri Balwant Singh (Faridkot)
Ranga, Shri N. G. (Andhra Pradesh)
Ranganathan, Shri S. (Tamil Nadu)
Rangnekar, Shrimati Ahilya, P. (Bombay-North-Central)
Ranjit Singh, Shri (Hamirpur)
Rao, Shrimati B. Radhabai Ananda (Bhadrachalam)

Rao, Shri G. Mallikarjuna (Warangal)

Rao, Shri J. Rameshwara (Mahboobnagar)

Rao, Shri Jagannath (Berhampur)

Rao, Shri Jalagam Kondala (Khammam)

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Rao, Shri P. V. Narasimha (Hanamkonda)

Rao, Shri Pattabhai Rama (Rajahmundry)

Rao, Shri Raje Vishveshvar (Chandrapur)

Rao, Shri V. C. Kesava (Andhra Pradesh)

Rasheed Masood, Shri (Saharanpur)

Ratan Kumari, Shrimati (Madhya Pradesh)

Rath, Shri Ramachandra (Aska)

Rathawa, Shri Amarsinh V. (Chhota Udaipur)

Rathor, Dr. Bhagwan Dass (Hardwar)

Ravi, Shri Vayalar (Chirayinkil)

Ravindra Pratap Singh, Shri (Amethi)

Ray, Shri Rabi (Orissa)

Razack, Shrimati Noorjehan (Tamil Nadu)

Reddy, Shri G. S. (Miryalguda)

Reddy, Shri B. Satyanarayan, (Andhra Pradesh)

Reddy, Shri G. Narsimha (Adilabad)

Reddy, Shri K. Brahmananda (Narasaraopet)

Reddy, Shri K. Obul (Cuddapah)

Reddy, Shri K. V. Raghunatha (Andhra Pradesh)

Reddy, Shri K. Vijaya Bhaskara (Kurnool)

Reddy, Shri M. Ram Gopal (Nizamabad)

Reddy, Shri Mulka Govinda (Karnataka)

Reddy, Shri P. Bayappa (Hindupur)

Reddy, Shri R. Narasimha (Andhra Pradesh)

Reddy, Shri S. R. (Gulbarga)

Rodriques, Shri Rudolph (Nominated-Anglo-Indians)

Roshan Lal, Shri (Himachal Pradesh)

Rothuama, Dr. R. (Mizoram)

Roy, Shri A. K. (Dhanbad)

Roy, Shri Kalyan (West Bengal)

Roy, Dr. Saradish (Bolpur)

Roy, Shri Saugata (Barrackpore)

S

Saeed Murtaza, Shri (Muzaffarnagar)

Saha, Shri A. K. (Vishnupur)

Saha, Shri Gadadhar (Birbhum)

Sahaya, Shri Dayanand (Bihar)

Sahoo, Shri Ainthu (Bolangir)

Sahu, Shri Santosh Kumar (Orissa)

Sai, Shri Larang (Surguja)

Sai, Shri Narhari Prasad Sukhdeo (Raigarh)

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Saring, Shri Leonerd Soloman (Sikkim)

Saran, Shri Daulat Ram (Churu)

Sarangi, Shri R. P. (Jamshedpur)

Sarda, Shri S. K. (Ajmer)

Sardar, Shri Mahendra Narayan (Araria)

Sarkar, Shri S. K. (Joynagar)

Sarsonia, Shri Shiv Narain (Karol Bagh)

Sarup Singh, Dr. (Haryana)

Satapathy, Shri Devendra (Dhenkanal)

Satchidananda, Shri (Karnataka)

Sathe, Shri Vasant (Akola)

Satya Deo Singh, Shri (Gonda)

Satyanarayana, Shri Dronam Raju (Visakhapatnam)

Sayian Wala, Shri Mohinder Singh (Ferozepur)

Sayeed, Shri P. M. (Lakshadweep)

Schamnad, Shri Hamid Ali (Kerala)

Scindia, Shri Madhavrao (Guna)

Scindia, Shrimati Vijaya Raje (Madhya Pradesh)

Sen, Shri Prafulla Chandra (Arambagh)

Sen, Shri Robin (Asansol)

Sethi, Shri P. C. (Madhya Pradesh)

Seyid Muhammad, Dr. V. A. (Calicut)

Sezhiyan, Shri Era (Tamil Nadu)

Shah, Shri D. P. (Bastar)

Shah, Shri Surath Bahadur (Kheri)

Shah, Shri Viren J. (Gujarat)

Shahedullah, Shri Syed (West Bengal)

Shahi, Shri Nageshwar Prasad (Uttar Pradesh)

Shaiza, Shrimati Rano M. (Nagaland)

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Shakya, Dr. Mahadeepak Singh (Etah)

Shankar Dev, Shri (Bidar)

Shankaranand, Shri B. (Chikkodi)

Shanti Bhushan, Shri (Uttar Pradesh)

Shanti Devi, Shrimati (Sambhal)

Sharma, Shri Ajit Kumar (Assam)

Sharma, Shri Anant Prasad (Bihar)

Sharma, Shri Jagannath (Garhwal)

Sharma, Shri Kishan Lal (Rajasthan)

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Sharma, Shri Yagya Datt (Gurdaspur)

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Shastri, Shri Bhanu Kumar (Udaipur)

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Singh, Shri Shiva Nandan (Uttar Pradesh)

Singha, Shri Sachindralal (Tripura West)

Sinha, Shri C. M. (Mayurbhanj)

Sinha, Shri H. L. P. (Jehanabad)

Sinha, Shri Indradeep (Bihar)

Sinha, Shri M. P. (Patna)

Sinha, Shri Purnanarayan (Tezpur)

Sinha, Dr. Ramkripal (Bihar)

Sinha, Shri Satyendra Narayan (Aurangabad).

Sisodia, Shri Sawaisingh (Madhya Pradesh)

Somani, Shri Roop Lai (Bhilwara)

Somani, Shri S. S. (Chittorgarh)

Somasundaram, Shri S. D. (Thanjavur)

Soni, Shrimati Ambika (Punjab)

Stephen. Shri C. M. (Idukki)

Subramaniam, Shri C. (Palani)

Sudheeran, Shri V. M. (Alleppey)

Sujan Singh, Shri (Haryana)

Sukhendra Singh, Shri (Satna)

Sultan, Shrimati Maimoona (Madhya Pradesh)

Sultan Singh, Shri (Haryana)

Suman, Shri Ramji Lai (Ferozabad)

Suman, Shri Surendra Jha (Darbhanga)

Sunna Sahib, Shri A. (Palghat)

Suraj Bhan, Shri (Ambala)

Surendra Bikram, Shri (Sahajahanpur)

Surendra Mohan, Shri (Uttar Pradesh)

Surjit, Shri Harkishan Singh (Punjab)

Surya Narain Singh, Shri (Sidhi)

Suryanarayana, Shri K. (Eluru)

Swaminathan, Shri R. V. (Madurai)

Swaminathan, Shri V. V. (Tamil Nadu)

Swamy, Shri Sidrameshwara (Koppal)

Swamy, Dr. Subramaniam (Bombay North-East)

Swatantra, Shri Jagannath Prasad (Bagaha)

Swu, Shri Scato (Nominated)

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Tan Singh, Shri (Barmer)

Tej Pratap Singh, Shri (Hamirpur)

Thakur, Shri Aghan Singh (Kanker)

Thakur, Shri Krishnarao (Chimur)

Thiagarajan, Shri P. (Sivaganga)

Thomas, Shri Skariah (Kottayam)

Thorat, Shri Bhausaheb (Pandharpur)

Tilak, Shri J. S. (Maharashtra)

Tirkey, Shri Pius (Alipurduar)

Tiwari, Shri Brij Bhushan (Khalillabad)

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Tiwary, Shri Madan (Rajnandgaon)

Tiwary, Shri Ramanand (Buxar)

Tohra, Shri G. S. (Patiala)

Tombi Singh, Shri N. (Inner Manipur)

Totu, Shri Gian Chand (Himachal Pradesh)

Triloki Singh, Shri (Uttar Pradesh)

Tripathi, Shri Kamlapati (Uttar Pradesh)

Tripathi, Shri Madhav Prasad (Domariaganj)

Tripathi, Shri Ram Prakash (Kannauj)

Tulsiram, Shri V. (Peddapalli)

Tur, Shri Mohan Singh (Taran Taran)

Tyagi, Shri Om Prakash (Bahraich)

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Unnikrishnan, Shri K. P. (Badagara)

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Vaghela, Shri Shankersinhji (Kapadvanj)

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Vakil, Shri Abdul Ahad (Baramulla)

Varma, Shri Bhagwati Charan (Nominated)

Varma, Shri Mahadeo Prasad (Uttar Pradesh)

Varma, Shri Ravindra (Ranchi)

Vasisht, Shri Dharma Vir (Faridabad)

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Venigalla, Shri Satyanarayan (Andhra Pradesh)

Venka, Shri V. (Tamil Nadu)

Venkataraman, Shri R. (Madras South)

Venkatareddy, Shri P. (Ongole)

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Venkatasubbaiah, Shri P. (Nandyal)

Venkatswamy, Shri G. (Siddipet)

Verma, Shri Brij Lal (Mahasamund)

Verma, Shri Chandradeo Prasad (Arrah)

Verma, Shri Hargovind (Sitapur)

Verma, Shri Mritunjay Prasad (Siwan)

Verma, Shri Phool Chand (Shajapur)

Verma, Shri R. L. P. (Koderma)

Verma, Shri Raghunath Singh (Mainpuri)

Verma, Shri Shrikant (Madhya Pradesh)

Verma, Shri Sukhdev Prasad (Chatra)

Visvanathan, Shri C. N. (Tiruppattur)

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Yadav, Shri Hukmdeo Narain (Madhubani)

Yadav, Shri Jagdambi Prasad (Godda)

Yadav, Shri Narsingh (Chandauli)

Yadav, Shri Ramanand (Bihar)

Yadav, Shri Ramjilal (Alwar)

Yadav, Shri Sharad (Jabalpur)

Yadav, Shri Shyam Lal (Uttar Pradesh)

Yadav, Shri Vinayak Prasad (Saharsa)

Yadav, Shri Roop Nath Singh (Pratapgarh)

Yadvendra Dutt, Shri (Jaunpur)

Yuvraj, Shri (Katihar)

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Zakaria, Dr. Rafiq (Maharashtra)

Zulfiquarullah, Shri (Sultanpur)

JOINT SITTING OF THE HOUSES OF PARLIAMENT

The Speaker
Shri K. S. Hegde

The Deputy-Speaker
Shri Godey Murahari

The Deputy Chairman
Shri Ram Niwas Mirdha

Secretary
Shri Avtar Singh Rikhy

GOVERNMENT OF INDIA

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The Minister of Home Affairs	Shri Charan Singh
The Minister of Defence	Shri Jagjivan Ram
The Minister of Information and Broadcasting	Shri L. K. Advani
The Minister of Agriculture and Irrigation	Shri Surjit Singh Barnala
The Minister of Petroleum & Chemicals and Fertilizers	Shri H. N. Bahuguna
The Minister of Works and Housing and Supply and Rehabilitation	Shri Sikander Bakht
The Minister of Law, Justice and Company Affairs	Shri Shanti Bhushan
The Minister of Education, Social Welfare and Culture	Dr. Pratap Chandra Chunder
The Minister of Railways	Prof. Madhu Dandavate
The Minister of Commerce and Civil Supplies and Cooperation	Shri Mohan Dharia
The Minister of Industry	Shri George Fernandes
The Minister of Tourism and Civil Aviation	Shri Purushottam Kau
The Minister of Health and Family Welfare	Shri Raj Narain
The Minister of Finance	Shri H. M. Patel
The Minister of Steel and Mines	Shri Biju Patnaik
The Minister of Energy	Shri P. Ramachandran
The Minister of External Affairs	Shri Atal Bihari Vajpayee
The Minister of Parliamentary Affairs and Labour	Shri Ravindra Varma
The Minister of Communications	Shri Brijlal Verma

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The Minister of State in the Ministry of Finance	Shri Satish Agrawal
The Minister of State in the Ministry of Commerce and Civil Supplies and Cooperation	Shri Arif Beg
The Minister of State *in charge* of the Ministry of Shipping and Transport	Shri Chand Ram
The Minister o State in the Ministry of Commerce and Civil Supplies and Cooperation	Shri Krishna Kumar Goyal
The Minister of State in the Ministry of Education, Social Welfare and Culture	Shri Dhanna Singh Gulshan
The Minister of State in the Ministry of Works and Housing and Supply and Rehabilitation	Shri Ram Kinkar
The Minister of State in the Ministry of External Affairs	Shri S. Kundu
The Minister of State in the Ministry of Industry	Shrimati Abha Maiti
The Minister of State in the Ministry of Home Affairs	Shri Dhanik Lal Mandal
The Minister of State in the Ministry of Petroleum and Chemicals and Fertilizers	Shri Janeshwar Mishra
Th Minister of State in the Ministry of Steel and Mines	Shri Karia Munda
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The Minister of State in the Ministry of Energy	Shri Fazlur Rahman
The Minister of State in the Ministry of Labour and Parliamentary Affairs	Shri Larang Sai
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The Minister of State in the Ministry of Defence	Prof. Sher Singh

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The Minister of State in the Ministry of Information and Broadcasting	Shri Jagbir Singh
The Minister of State in the Ministry of Labour and Parliamentary Affairs	Dr. Ram Kirpal Sinha
The Minister of State in the Ministry of Health and Family Welfare	Shri Jagdambi Prasad Yadav
The Minister of State in the Ministry of Law, Justice and Company Affairs	Shri Narsingh Yadav
The Minister of State in the Ministry of Finance	Shri Zulfiquarullah
The Minister of State in the Ministry of Education, Social Welfare and Culture	Shrimati Renuka Devi Barakataki

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JOINT SITTING OF THE HOUSES OF PARLIAMENT

Vol. I No. I

JOINT SITTING OF THE HOUSES OF PARLIAMENT

Tuesday, May 16, 1978/*Vaisakha* 26, 1900 (*Saka*)

The Houses of Parliament met in joint sitting in the Central Hall of Parliament House at Eleven of the Clock.

[MR. SPEAKER *in the Chair*].

WELCOME ADDRESS

MR. SPEAKER: Members of Parliament, I welcome you all to this Joint sitting of both Houses of Parliament. In the history of our Parliament, this is the second occasion when such a joint sitting has been called.

The first occasion when both the Houses were summoned to a joint sitting, it would be recalled was in May 1961, to deliberate and vote upon the Dowry Prohibition Bill.

The present joint sitting of the Houses, as you all know, is for deliberating and voting on the Banking Service Commission (Repeal) Bill, 1977. This Bill, passed by Lok Sabha on the 5th December, 1977, was rejected by Rajya Sabha on the 8th December, 1977.

Before I ask the Secretary to lay the Bill on the Table, may I say that I look forward to fruitful deliberations, conducted in the best traditions of our Parliament?

11.02 hrs.

BANKING SERVICE COMMISSION (REPEAL) BILL

LAID ON THE TABLE AS PASSED BY LOK SABHA AND REJECTED BY RAJYA SABHA

SECRETARY: Sir, I lay on the Table the Bill to repeal the Banking Service Commission Act, 1975, as passed by Lok Sabha and rejected by Rajya Sabha.

POINTS OF ORDER

SHRI K. LAKKAPPA (Tumkur): Sir, I rise on a point of order.

SHRI S. S. LAL (Bayana) *rose* (*interruptions*)

MR. SPEAKER: This is a joint session; nothing can be discussed except the Banking Service Commission (Repeal) Bill.

(*Interruptions*) ***

MR. SPEAKER: Don't record.

(*Interruptions*) ***

MR. SPEAKER: Order, order. Please sit down. I am on my legs.

(*Interruptions*)

MR. SPEAKER: Nothing other than the business relating to the joint sitting will go on record. There is no point in raising anything other than the business relating to the joint sitting. That is the rule. Mr. Lakkappa.

***Not recorded.

SHRI K. LAKKAPPA: Mr. Speaker, Sir......

श्री श्याम लाल यादव (उत्तर प्रदेश) : मेरा प्वाइन्ट आफ आर्डर है.......।

MR. SPEAKER: I have called Mr. Lakkappa.

SHRI SHYAM LAL YADAV: Please give me the second chance.

MR. SPEAKER: There is no contract.

SHRI K. LAKKAPPA: I am grateful to you for giving me this opportunity. This is the first joint sitting of both the Houses in my experience of Parliament.

MR. SPEAKER: Please formulate your point of order.

SHRI K. LAKKAPPA: My point of order relates to the procedure adopted to convene this joint sitting to consider the Bill to repeal the Banking Service Commission Act, 1975, as passed by Lok Sabha and rejected by Rajya Sabha. It is on two counts.

The joint sitting envisages a special procedure. Most of the points regarding that were raised by hon. Members on the floor of the Lok Sabha, but I take this opportunity to raise this issue on two counts. I would like to mention for the benefit of this session the procedure adopted in 1961. When the amendments to the Dowry Bill were rejected and they were considered in a joint sitting in 1961, both the Rajya Sabha and the Lok Sabha adjourned *sine die* on 5th May, 1961. A joint sitting was held on 6th May and 9th May, 1961. The question is whether a joint sitting can be held when the House or Houses have not adjourned *sine die*. If you look at the records, yesterday you, in your wisdom, have said clearly:

> "The House stands adjourned till 11 hours tomorrow when it is to meet In a Joint sitting with the Rajya Sabha."

Again, you have mentioned:

> "The House shall stand adjourned *sine die* upon the completion of the business to be considered at the Joint sitting."

But the Rajya Sabha has not been adjourned *sine die*. Therefore, the precedent of 1961 for convening a joint sitting is not being followed so far as this joint sitting is concerned. Therefore, there is a lacuna in convening this joint sitting.

Not only is there a lacuna in convening the joint sitting thus to consider the Bill to repeal the Banking Service Commission Act, 1975, but the joint sitting should not have been called for the reason that the Banking Service Commission Act, 1975, is one of the landmarks of the previous Government. Such a legislation is the land mark of the previous Government.

MR. SPEAKER: Please confine yourself to the point of order. You cannot make a speech.

SHRI K. LAKKAPPA: I am on a point of procedure. Also I am opposing the Bill on the ground that when a progressive legislation was passed in 1975 by the previous Government, the present Government is taking not only.... (*Interruptions*)

MR. SPEAKER: If you are not on a point of order, I will not allow.

SHRI K. LAKKAPPA: Sir, I am on a point of order.

MR. SPEAKER: No, it is not a point of order. I do not allow it.

SHRI K. LAKKAPPA: I humbly submit to you that there are certain procedural angles. It is not even in conformity with the procedure adopted in the joint sitting to enact whatever the Finance Minister has brought forward. He is not within his rights to pass such a Bill which opposes even the very basic principles and also the Act passed by the previous Government.

With these words, I oppose this Bill.

SHRI B. SHANKARANAND (Chikkodi): Mr. Speaker, Sir, I am rising on a point of order about the very validity of this Joint sitting.

You may recall that yesterday in Lok Sabha while adjourning the House *sine die* as per Bulletin Part I of Lok Sabha, you have said: "The House stands adjourned till 11 hours tomorrow when it is to meet in a Joint sitting with the Rajya Sabha. The House shall stand adjourned *sine die* upon the completion of the business to be considered at the Joint Sitting."

That means, the Lok Sabha is still continuing its sitting under the summons under Article 85 of the Constitution. Article 81(1) says:

> "The President shall from time to time summon each House of Parliament to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session."

If the Lok Sabha is sitting under the summon issued by the President under Article 85, then this Joint Session cannot be held because the Joint sitting can be held only under Article 108(3). I will read out that Article also, I quote 108 (1) of the Constitution:

> "108(1) If after a Bill has been passed by one House and transmitted to the other House—
>
> (a) the Bill is rejected by the Other House; or
>
> (b) the Houses have finally disagreed as to the amendments to be made in the Bill; or
>
> (c) more than six months elapse from the date of the reception of the Bill by the other House without the Bill being passed by it."

The next is very important—

> "The President may, unless the Bill has lapsed by reason of a dissolution of the House of the people, notify to the Houses by message if they are sitting or by public notification if they are not sitting, his intention to summon them to meet in a joint sitting for the purpose of deliberating and voting on the Bill."

Then, this is what article 108(3) says:

> "Where the President has under clause (1) notified his intention of summoning the Houses to meet in a joint sitting, neither House shall proceed further with the Bill, but the President may at any time after the date of his notification summon the House to meet in a joint sitting for the purpose specified in the notification and, if he does so, the Houses shall meet accordingly."

There is a distinction between article 108(3) and clause (1) where a reference is made about the sitting of both the Houses and where the President has to notify the intention. But in clause (3), there is no reference to the sitting of the House. It means that in the absence of the reference of the sitting of the House in clause (3), a joint session has to be convened only when both the Houses are not sitting. This is fortified by the summons issued by the President in 1961 when a similar joint sitting was held.

I would like to bring to the notice of the House what happened in 1961. It is on p. 35 of the *Kaul and Shakdher* on "Practice & Procedure of Parliament". It is mentioned that the President has to issue a Message to the House. Of course, the Message has to be notified. The date of the Message is very important. The Message was notified on 18th April, 1961. The Message reads like this:

> "Whereas after the Dowry Prohibition Bill, 1959, has been passed by the Lok Sabha and transmitted to

[Shri B. Shankaranand]

> the Rajya Sabha, the Rajya Sabha and the Lok Sabha have finally disagreed as to the amendments to be made in the said Bill;
>
> NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 108 of the constitution I, ...hereby notify my intention to "summon the Rajya Sabha and Lok Sabha to meet in a joint sitting for the purpose of deliberating and voting on that Bill."

This is dated 18th April, 1961.

The next is the Order of the President. This is very important. This is the basic on which I am objecting the validity of the joint sitting today. The Order of the President is dated 22nd April, 1961. The form of the Order is as follows:

> "In exercise of the powers conferred upon me by clause (3) of article 108 of the Constitution, I hereby summon the Rajya Sabha and Lok Sabha to meet in a joint sitting at New Delhi on Saturday, the 6th May, 1961 at 11 AM for the purpose of deliberating and voting on the Dowry Prohibition Bill, 1959."

This is dated 22nd April, 1961. A Gazette Extraordinary was published giving the text of the Order.

And then there is the summons. This summons is wanting here. This joint sitting is meeting today without this summons. That is why I am taking objection to the sitting of the joint sitting today. The form of the summons given on p. 36. It reads like this:

JOINT SITTING OF
HOUSES OF PARLIAMENT
SUMMONS

Parliament House
New Delhi, 27th April, 1961.

> "The President, in exercise of the powers conferred by clause (3) of article 108 of the Constitution, having been pleased to direct that a joint sitting of the Rajya Sabha and Lok Sabha be held at New Delhi for the purpose of deliberating and voting on the Dowry Prohibition Bill, 1959, and to appoint Saturday, the 6th May, 1961 at 11 A.M. as the date for the commencement of the said joint sitting, you ....are hereby summoned to the said joint sitting, at the place and the date aforesaid."

Today, we do not have this summons. The hon. Members may kindly see what they have received in the name of summons. It is not the summons but an order. I have got a copy of the order also. It is not in the form of summons. It gives only the order. No doubt, they have said that it is a summons. But it is not a summons in the form in which it was issued for the first joint sitting held in 1961. This is only an order that has been issued. We have not received the summons, as it was issued on 27th April, 1961.

There are three stages in this. One is notifying the President's intention. That is one stage. Then the President passing the order summoning the joint sitting is the second stage and the third is the summons finally to be issued to the Members of both the Houses. In this case we have not received the summons as is envisaged in the provisions of law.

In the last joint sitting in 1961, both the Houses were adjourned on 5th May....

MR. SPEAKER: You have made the point.

SHRI B. SHANKARANAND: On 6th May he signed the order. Here to-day it is something else. Both the Houses are sitting and a joint sitting to be called under the provisions of law under Art 108, clause (3). So, under these circumstances I say this joint sitting is invalid, illegal and any deliberation that takes place will not have the support of the Law and any law passed in this sitting will be challenged in a court of law and it will not be held as valid in any court of law........

SHRI VASANT SATHE (Akola): I am on a point of order.

MR. SPEAKER: Shri Sankar Ghose

SHRI SANKAR GHOSE (West Bengal): The point of order that I wish to raise is that the mandatory provisions of Art. 108 have not been comlied with and, therefore, any legislation that may be passed in this "historic sitting" will be struck down by the Supreme Court.

Art. 108 allows a joint sitting to be called only under three circumstances

(1) When there is a disagreement on an amendment. That is not the case here.

(2) When a Bill is placed in the Rajya Sabha for consideration and it is allowed for consideration and then allows clause-by-clause debate and then puts it for passing; at the stage of passing, it is either accepted or rejected. If at the stage of passing it is rejected, then a joint sitting can be called.

(3) A joint sitting can also be called if the Rajya Sabha does not reject the Bill but say that it shall not even consider the Bill, let alone reject it. If it does not consider the Bill and if six months elapse and nothing is passed then, under Art. 108(c), a joint sitting can be called. That six months have not passed, because the Lok Sabha passed the Bill in December. It went to the Rajya Sabha in December itself and it was not considered. Six months have not yet elapsed.

Therefore Art. 108(c) could not lawfully and validity be invoked to call a joint sitting. That time provided has not elapsed. Therefore, Art 108(c) is not attracted and the power to call the joint session cannot be invoked. 108 (a) is palpably not applicable because the Rajya Sabha did not reject the Bill. The Rajya Sabha refused to consider the Bill. The Supreme Court has said that when you are construing the words of the Constitution, you have to give the words the meaning the existing, not what meaning you give in subsequent rules. I shall come to the subsequent rules. They have no validity in construing the words of the Constitution. You are an eminent Judge and you know that fully. Particularly in the *Gannon Dunkerley* case the Supreme Court said 'when the constitution provided that State can tax a sale, then States cannot say, 'I can tax a sale but I will define 'sale' to include something which is not a sale.' The Supreme Court said, 'You cannot do it.' If you have the power to tax 'a sale', you can only tax a sale which was understood as a sale when the Constitution was passed. Therefore if by subsequent legislation you say that an agreement for sale which is not a sale or a works contract which is not a sale ....

MR. SPEAKER: You are not to argue. You should only formulate your point. That you have done.

SHRI SANKAR GHOSE: I am formulating this point that this notification ....

SHRI VIREN J. SHAH *rose.*

MR. SPEAKER: No, please. This is not a debate.

SHRI SANKAR GHOSE: I am glad that he has raised it. I refer to the Rajya Sabha debate of 18th December, 1977. The factual position is this.

"MR. DEPUTY CHAIRMAN: I shall now put the motion by Shri H. M. Patel,

> "That the Bill to repeal the Banking Services Act 1975 as passed by the Lok Sabha be taken into consideration".

The motion was negatived. The Rajya Sabha did not reject the Bill: the Rajya Sabha said it will not consider the Bill.

Therefore, Art. 108(a) is not attracted. Art. 108(c) could be attracted if six months had passed which have not. Therefore, this whole sitting will be bad and it will be a shame to Parliament that so many law-makers who are assembled here should pass a legislation which would be struck down by the Supreme Court.

Such a thing happened in the case of Himachal Pradesh. A Notification was issued by the Governor convening a session of the House. But because the mandatory provision was not complied with, the Court said it was not a matter of internal procedure and it was not a matter of rule, and the whole thing was struck down.

You are an eminent judge. This is a legal question: you can call the Attorney General and take his views, because this is not a partisan matter. This session is bad: the whole proceedings will be bad.

SHRI BHUPESH GUPTA (West Bengal): My point of order is simple and plain enough for all to see. It is plain enough for all to see, who are ready to see the point of order.

We have got what is allegedly called 'summons' from the President. If you look at the summons you will find that the wording of it and the presentation of the summons to Members of Parliament is somewhat different from the summons we received when the first session of every year. *viz.* the budget session starts. Although it bears the heading 'Summons' at the top, we were served with an order of the President which is supposed to be under Art. 108. Therefore, there seems to be a little irregularity in this matter.

A point has been raised about the Houses not being adjourned *sine die* and about our being called to meet in a joint sitting of the Houses of Parliament. We were called under Art. 108 of the Constitution. I am not disputing the right of the President, even during the session, to summon the two Houses of Parliament to meet in a joint sitting. But then, Sir, the Constitution has grown over the years, associated with conventions and precedents. That is what happens to a written Constitution. Conventions sometimes do acquire the force, as it were, of an associate block of the Constitution. In fact, it is through customs and conventions—and conventions in particular—that we develop our constitutional practices and working of the Constitution. We do not have any precedents in this matter, excepting the one in 1961 when the anti-dowry matter came up before the joint sitting. I had the privilege of participating in the joint sitting. None of us, Sir, then raised a point of order with regard to the joint sitting because it was called after both the Houses had adjourned *sine die* it was not called during the continuance of the sittings of the two Houses.

MR. SPEAKER: Kindly formulate your point and not argue.

SHRI BHUPESH GUPTA: Points get formulated as you speak. Points, like everything else, get formulated as you speak and I am sure you, with your rich experience, both as a judge and person conversant with parliamentary affairs and other things, know how points get formulated.

MR. SPEAKER: That is why I said, you are not to argue: you are only to formulate your point.

SHRI BHUPESH GUPTA: I am beholden to you for your guidance and

I hope you will see the point as it is being formulated.

The point of order is this: precedents have been violated. That is number one and I raised it in the House. We were informed of the joint sitting in the House, even before we received any kind of alleged summons. I do not hold the President responsible; I hold the Government responsible for misguiding and misleading the President by its constitutional advice. This is what I say. The Government is responsible for misleading the President in giving an advice which has led to an act on the part of the President which cuts at the root of the constitutional conventions that we pursued, as I referred to, in 1961.

Then, again, there is an interesting thing about the Bill itself that we will discuss. Clause 5 of the Bill refers to the Banking Service Commission (Repeal) Ordinance, 1977 and it says that this Ordinance 'is hereby repealed' How are we asked by the President to consider a clause which relates to a non-existent Ordinance? Under Article 123 of the Constitution, the Banking Service Commission (Repeal) Ordinance, 1977 lapsed on the 26th December because six weeks had alrady lapsed by that time, had expired at that time after the Ordinance had been laid on the Table of Lok Sabha. We are all now asked to consider and vote for a non-existent thing. Where is the Banking Service Commission Ordinance? I ask you to tell me, whether such an Ordinance exists under law. There is no such Ordinance: it is non-existent under law.

Here again, the President has been advised by Shri Morarji Desai, Prime Minister of the country and his Government to call a joint sitting of the two Houses to do the most absurd thing to consider or give our recommendations on non-existent Ordinance, the Ordinance, which has already lapsed. Many strange things have happened. We have been asked to commit an illegal act. I submit that we are not under obligation, nor is the President under his oath of office called upon to do an unconstitutional act.... (*Interruptions*). The President has called a joint sitting of the two Houses to consider a matter which does not exist; to repeal a law which has lapsed and is dead under Article 123. This is a fraud on the Constitution on the part of the Government, Shri Morarji Desai, the Prime Minister of the country and the Minister who has given such an advice to the President.

MR. SPEAKER: You are going into the merits of the case; I am not going to allow this.

SHRI BHUPESH GUPTA: I want a ruling from you.

MR. SPEAKER: I will give that.

SHRI BHUPESH GUPTA: Sir, my contention is that the summons are valid. The President has called upon Parliament to repeal a law or Ordinance which does not exist. I want to know, whether there exists such an Ordinance which we have been called upon to repeal today. If not, then I would request you to declare this joint sittings as dissolved, it has no *locus standi*.

The final point that I want to make in this connection is this. The normal practice is that when the Ordinance is rejected by the other House, it is reconsidered. The Prime Minister should consider and you should consider, Sir, that we did not vote it out; but we did not accept it for consideration. You have to give a ruling whether having regard to the fact that the Rajya Sabha had not agreed to the consideration, it should not have been remitted to the other House for reconsideration .... (*Interruptions*).

One more point, and this is the final point. This joint sitting could have been called as soon as the Rajya Sabha turned down the consideration motion on 8th December. Why did they wait

[Shri Bhupesh Gupta]

for five or six months? For the biennial Rajya Sabha election? They wanted to wait for the biennial elections....

MR. SPEAKER: You cannot go on like this.

SHRI BHUPESH GUPTA: This again was unprecedented on the part of the Government....

MR. SPEAKER: No more please. That point has been covered.

SHRI BHUPESH GUPTA: The Lok Sabha seems to have a different way of functioning. What I say is that Government should have arranged for the joint sitting earlier instead of waiting for the biennial elections to increase their number in the Rajya Sabha and then come here with this.

MR. SPEAKER: Mr. Stephen.

SHRI VASANT SATHE: I am on a point of order.

MR. SPEAKER: The Leader of the Opposition is here.

SHRI VASANT SATHE: I want to raise a point of order.

MR. SPEAKER: Yes.

SHRI VASANT SATHE: Sir, in all humility I want to point out to this august joint sitting of both the Houses a basic lacuna. The whole thing will become unnecessarily invalid and illegal if we do not overcome this lacuna in terms of the Constitution itself. Kindly see the provisions of article 108(3) of the Constitution. I will read it out for your benefit. There are two stages. Article 108(3) reads:

> "Where the President has under clause (1) notified his intention of summoning the Houses to meet in a joint sitting, neither House shall proceed further with the Bill, but the President may at any time after the date of his notification summon the Houses to meet in a joint sitting..."

The first stage is that, under article 108(1), the President must notify his intention to summon both the Houses to meet in a joint sitting. That can be done even when the two Houses are sitting. There is no doubt about that. But the first order, the first notification, must be that he intends to summon. Please see this:

> "....the President may, unless the Bill has lapsed by reason of a dissolution of the House of the People, notify to the Houses by message if they are sitting or by public notification if they are not sitting, his intention to summon them...."

I want to know where is this message that he wants to summon the two Houses to meet in a joint sitting. A separate message has to be there in terms of article 108(1). And this is all that we have now—this order. If this order is to be treated as the message in terms of article 108(1), then the next stage will be the provision in sub-clause (3) of Article 108, because two stages must be there. 'There the President has under clause (1) notified his intention....but the President at any time after the date of notification'—after that date, not simultaneously, not suddenly, not at one stroke, after that date the time must lapse and then he can call both the Houses to a Joint sitting for the purpose specified therein.

Now these two stages have not taken place and, therefore, these summons so called ordered here are inherent in terms of Article 108(1) and Article 108(3). I hope you will uphold, otherwise the whole thing will become illegal.

MR. SPEAKER: I have heard enough. I am not hearing any more. (*Interruptions*).

MR. SPEAKER: Mr. Stephen, I called you but you did not come. I called you first. You were not willing to come.

SHRI C. M. STEPHEN (Idukki): Mr. Speaker, the point I make is entirely different. The ground is entirely different from the ground so far urged. My difficulty arises from an announcement you made in the House yesterday when the House adjourned. The announcement was—'that the House would stand adjourned till 11 A.M. to-morrow and will meet in Joint Session and will stand adjourned *sine die* after the Joint Session'. This was the announcement made. To my mind this announcement has created difficulties. The question I am raising is—what is the nature of the Joint sitting? Is it that the two Houses, as two Houses of Parliament come together, just another sitting of the two Houses together, or is it a separate chamber? There is a House of People. There is the Rajya Sabha and there is a third chamber, the third chamber is where the Members of both Houses meet.

Now your announcement has created difficulty—that the Lok Sabha is meeting in the Central Hall with the Rajya Sabha members added on to that, because you said the Lok Sabha stands adjourned still tomorrow 11 A.M. and will stand adjourned *sine die* after the joint sitting. You are the Speaker of the Lok Sabha. The Lok Sabha as per anouncement is meeting here in the Central Hall. As the Speaker of the Lok Sabha you are presiding. The Members of Rajya Sabha have joined it. You are calling it a Joint sitting. This is not the correct contemplation. The Lok Sabha and the Joint sitting cannot simultaneously together meet. The Joint sitting has got to meet separately unconnected with the Lok Sabha and Rajya Sabha. This is the concept that I can spell out by reading Article 108(5), which says—

> "A joint sitting may be held under this article and a Bill passed thereat, notwithstanding that a dissolution of the House of the People has intervened since the President notified his intention to summon the Houses to meet therein."

Kindly understand the implication. The President makes a Notification to summon the Joint sitting. After that the House of the People is dissolved. The Article says, although the House of the People is dissolved, although the House of the people does not exist, still as per the original notification. the Joint Sitting can be had. These means the Joint sitting is not a combined sitting of the two Houses, because the House of the People is dissolved. But the joint sitting is a sitting of the Members of the two Houses. This means that the Joint sitting is contemplated by the Constitution as another Chamber even as the Lok Sabha is and the Rajya Sabha is. If Joint sitting is another sitting unconnected with Lok Sabha as such. unconnected with Rajya Sabha as such which it is, because the Constitution contemplates that the Joint Sitting can be there, although there is no House of the People,—if that is the contemplation,—then how can the Lok Sabha meet today at 11 O' clock as per your announcement? You made the announcement that the Lok Sabha will meet at 11 O' clock today. My contention is that it is the Lok Sabha which is meeting here with the Members of the Rajya Sabha added on to it. It is the Lok Sabha which is now meeting as per your announcement. The Lok Sabha is meeting that way. That is not the Joint Sitting which has been contemplated. That is not the Joint Sitting summoned by he President. That Joint Sitting has not taken place here. It is some concocted occurrence that has not been contemplated in the Constitution. Therefore this sitting is invalid. It is not what has been contemplated in the Constitution as a Joint Sitting. It is only the Lok Sabha meeting as per your announcement with the Rajya Sabha Members added on to it. This is not a Joint Sitting, and a Bill passed by this sitting cannot be accepted as a Bill pas-

[**Shri C. M. Stephen**]

sed by both the Houses of Parliament. That is my submission. Thank you.

MR. SPEAKER: A number of points have been raised.

An hon. Member came to the rostrum.

MR. SPEAKER: I have not called you please. I request you kindly to take your seat.

Now, for understanding the Points of Order raised, it is necessary to quote the relevant provisions of the Constitution as detailed in Art. 108 of the Constitution. Article 108, to the extent it is relevant for the present purpose reads as follows:—

> '108(1) If after a Bill has been passed by one House and transmitted to the other House—
>
> (a) the Bill is rejected by the other House; or
>
> (b) the Houses have finally disagreed as to the amendments to be made in the Bill;
>
> (c) more than six months elapse from the date of the reception of the Bill by the other House without the Bill being passed by it, the President may, unless the Bill has lapsed by reason of a dissolution of the House of the People, *notify to the House by message.*

If they are sitting or by public notification if they are not sitting, his intention to summon them to meet in a joint sitting for the purpose of deliberating and voting on the Bill:

> Provided that nothing in this clause shall apply to a Money Bill;'

Then clause (2) reads thus:

> "(2) in reckoning any such period of six months as is referred to in clause (1), no account shall be taken of any period during which the House referred to in sub-clause (c) of that clause is prorogued or adjourned for more than four consecutive days"

Then clause (3) reads thus:

> "(3) Where the President has under clause (1) notified his intention of summoning the Houses to meet in a joint sitting, neither House shall proceed further with the Bill, but the President may at any time after the date of his notification summon the Houses to meet in a joint sitting for the purpose specified in the notification and, if he does so, the Houses shall meet accordingly."

Clause (4) reads thus:

> "(4) If at the *joint sitting of the two Houses* the Bill, with such amendments, if any, as are agreed to in joint sitting, is passed by a majority of the total number of members of both Houses present and voting, it shall be deemed for the purposes of this Constitution to have been passed by both Houses:
>
> Provided that at a joint sitting—
>
> (a) if the Bill, having been passed by one House, has not been passed by the other House with amendments and returned to the House in which it originated, no amendment shall be proposed to the Bill other than such amendments (if any) as are made necessary by the delay in the passage of the Bill;......"
> (Underlining is by me).

The Bill in question was passed by the Lok Sabha but when it went to the Rajya Sabha its consideration was rejected by the Rajya Sabha. Therefore, in my opinion the Bill was rejected by the other House.

Now, on May 8, 1978 the President sent the following message:

> "WHEREAS at its sitting on the 5th December, 1977, the Lok Sabha passed the Banking Service Commission (Repeal) Bill, 1977, and transmitted the same to the Rajya Sabha.
>
> AND WHEREAS the Rajya Sabha at its sitting on the 8th December, 1977 rejected the said Bill.
>
> NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 108 of the Constitution, I, Neelam Sanjiva Reddy, President of India, hereby notify my intention to summon the Rajya Sabha and Lok Sabha to meet in a joint sitting for the purposes of deliberating and voting on the said Bill."

This message, I am given to understand, has been read out in both the Houses.

Thereafter on May 10, 1978 the President issued the following order.

SHRI B. SHANKARANAND: When did the President pass the order?

MR. SPEAKER: On May 10, 1978 the President passed the following order:

> "In exercise of the powers conferred upon me by clause (3) of article 108 of the Constitution, I hereby summon the Rajya Sabha and Lok Sabha to meet in a joint sitting at New Delhi on Tuesday, the 16th May, 1978 at 11 AM for the purpose of deliberating and voting on the Banking Service Commission (Repeal) Bill, 1977."

In pursuance of this order of the President, the Secretary has issued the necessary summons to all the Members concerned.

Now, we shall come to the various objections raised by the hon'ble Members. The first objection raised by Mr. Lakkappa and others is that when the two Houses are sitting there cannot be a Joint Sitting of the two Houses. This contention does not, in my opinion, have any merit in it because Article 108 clause (3) specifically says:

> "President may at any time after the date of his notification summon the Houses to meet in a joint sitting for the purpose specified in the notification and, if he does so, the Houses shall meet accordingly."

AN HON. MEMBER: Where is that summon?

MR. SPEAKER: Summons have been issued to each one of the Members. Therefore, in my opinion, the joint sitting of the two Houses has been validly summoned. The question whether any House is still sitting or not is totally irrelevant because the mandatory article is that the President can summon a joint sitting at any time unless before he expresses his intention, the House of the People had been dissolved. That is the only limitation found in Article 108.

The second question that was raised was that there were only summons and there was no expression of intention by the President as contemplated by sub-clause (3) of Article 108. This contention appears to have been made on a mis-apprehension. I have set out earlier that the President had also expressed his intention to summon a joint sitting of the two Houses and it is only thereafter that he has directed the summons for the joint sitting.

Mr. Shankar Ghose contended that the mandatory provision of the Article has not been followed. From the facts I have set out earlier, I am of the opinion that the mandatory provision of Article 108 has been strictly followed. The fact that the sum-

[Mr. Speaker]

mons issued on this occasion differs in its wording from the summons issued in 1961 is not a relevant factor at all. In fact, I am given to understand that as the previous form of summons was not properly worded, a new form was evolved.

Another contention raised was that after the expiry of six months—the six months' time is contemplated in sub-clause (c) of Article 108(1) having not had expired, the President has no right to summon the joint sitting. This again to my mind, appears to be an untenable contention because Article 108(1) provides for three alternatives, namely:—

> (a) the Bill is rejected by one of the Houses, or
>
> (b) the Houses having finally disagreed as to the amendments to be made in the Bill, or
>
> (c) more than six months have elapsed from the date of the reception of the Bill by the other House without the Bill being passed by it.

The present case falls within sub-clause (a) of Article 108(1). That being so, the objection raised does not appear to be tenable.

The second contention of Mr. Shankar Ghose is that the Rajya Sabha has not rejected the Bill. To my mind, this contention has no merit at all. When it has refused to take the Bill into consideration, the legal effect is that it has rejected the Bill. This contention, again, is not accepted.

Mr. Bhupesh Gupta has contended that the President has been wrongly advised in summoning the joint sitting and secondly that the President's order is invalid. This is not a matter for decision by me. This is for courts to decide. I cannot go into it. There is a presumption of law that the order made is valid. If it is invalid, the same must be taken up before courts.

Mr. Stephen contended that as I adjourned the Lok Sabha yesterday to meet to-day at 11 A.M. this sitting must be considered to be a continuation of the Lok Sabha itself. This is an incorrect reading of my yesterday's order. In the order itself I made clear that the Lok Sabha will meet here for the purpose of joint sitting and again his contention that it is not a joint sitting does not appear to be correct from the wording of clause (4) of Article 108 which says:

> "(4) If at the joint sitting of the two Houses ....".

This sitting is really a joint sitting of the two Houses. I have dealt with all the objections and none of the objections has been accepted by me. Therefore, the Bill is validly taken up for consideration.

The hon. Minister of Finance.
(Interruptions)

12.00 hrs.

MR. SPEAKER: Mr. Madhavan, I have not called you. Please resume your seat. I have dealt with the points of order raised. No further discussion. Please resume your seat.
(Interruptions)

SHRI K. K. MADHAVAN (Kerala): I have a right to speak. I have a right to raise a point of order. How can you deny a Member his right?

MR. SPEAKER: You have not raised any point of order.
*(Interruptions)***

MR. SPEAKER: Do not record anything. Mr. Bhupesh Gupta, I have dealt with your point of order I have dealt with all the points that were raised. No further discussion can be there on that.

**Not recorded.

SHRI VAYALAR RAVI (Chirayinkil): He wants to raise a new point of order he must be allowed to speak.

SHRI C. M. STEPHEN: On a point of order. My point of order is. .... (*Interruptions*).

MR. SPEAKER: He is raising a new point of order.
(*Interruptions*).

SHRI C. M. STEPHEN: I do not raise a point of order unnecessarily, kindly hear me.
(*Interruptions*).

SHRI K. K. MADHAVAN: I am sorry that the hon. Chair has not allowed my point of order. It was a genuine point of order. I wanted to raise a point of order before the hon. Chair was about to give his ruling. That is why, I wanted to raise it first. Unfortunately, it was not allowed. Without casting any aspersion, with due respect to you, I would like to say that I make a distinction between a judge and a Speaker. From your experience as a Member, as a Presiding Officer.... (*Interruptions*).

MR. SPEAKER: Please formulate your point of order.

SHRI K. K. MADHAVAN: I am raising it. (*Interruptions*)

MR. SPEAKER: Please allow him. What is your point of order?

SHRI K. K. MADHAVAN: My point of order is that this sitting, because of the objections already raised by the foregoing speakers, of the House or the Houses as the case may be, is *ab initio* void not only that, since the legality and the Constitutionality of the issue of summons itself has been questioned, this is not a joint sitting at all. I presume to say that we are sitting here just as we sit in the Central Hall for taking tea. I differ from Mr. Stephen. It is not a sitting of the Lok Sabha where the Members of the Rajya Sabha have been invited. We are not such loafers here. Therefore, this is neither a sitting of the Lok Sabha nor the Rajya Sabha. If it is a sitting of the Lok Sabha, it must sit there in the other hall. This is not the venue for the Lok Sabha to sit. I question the legality of this sitting. Having sat on the highest judicial body of the country, I am sure, you will understand that the full implications of what we are called upon to do today will be disastrous. Not only that. You are creating a paradise to the Constitution lawyers. One more point of order. I want to know whether this Assembly or Assemblies, as the case may be, is or are called upon to deliberate and conceive and deliver a still born baby, that is, a constitutionally still born bady. That is my point of order.

MR. SPEAKER: The point of order raised by Shri Madhavan is covered by my order.

Shri Stephen.

SHRI C. M. STEPHEN: Sir, I rise on a point of order. Under the rules governing joint sittings of Houses, at any joint sitting, the procedure of the House shall apply with such modifications and variations as the Speaker may consider necessary or appropriate. So, the procedure of the House in the matter of passing a Bill is to apply here. The passing of a Bill has got three stages. One is the introduction stage. The other is the consideration stage. The last is the stage of passing the Bill. What has now happened is, we are now proceeding straight to the consideration of the Bill without seeking leave of the House to introduce the Bill. This is absolutely necessary under the rules. Under the Rules of Rajya Sabha, Rule 120 says:

> "Where any of the following motions under these rules in regard to a Bill originating in the Council is rejected by the Council, no further motion shall be made with reference to the Bill and such Bill shall be removed from the Register of Bills pending in the Council:—
>
> (i) That leave be granted to introduce the Bill,

[Shri C. M. Stephen]

> (ii) that the Bill be referred to a Select Committee....
>
> (iii) that the Bill be taken into consideration" etc.

In Rajya Sabha, the motion that the Bill be taken into consideration was rejected. Therefore, under this rule, the Bill was taken off the Register of Bills as far as Rajya Sabha is concerned. Therefore, in Rajya Sabha, there is no Bill pending and the Bill was not placed on the Table of Rajya Sabha. As far as Lok Sabha is concerned, Lok Sabha passed the Bill. After that, it went to Rajya Sabha. Lok Sabha has ceased to be in seizing of the Bill.

There is a definition as to what are the Bills pending before the House. A Bill pending before the House shall include (i) a Bill introduced in the House, (ii) a Bill transmitted to the Council and returned by the Council with amendment, (iii) a Bill originating in the Council and transmitted to the House and (iv) a Bill returned by the President with a message under Article 111 of the Constitution. This does not come under any of these. This means that the Bill is neither in Rajya Sabha nor in Lok Sabha.

Now the House has assembled. The question is, how are we to come in seizing of the Bill? Is it enough that you place it on the Table of the House? My humble submission is, the rules which are to govern—this joint sitting should be the same as the rules governing the House. The Bill has got to be introduced. Leave has got to be sought for it. Merely laying it on the Table will not bring it under the cognizance of the House. This gives us a valuable opportunity. If we have to raise any question with respect to constitutional validity or jurisdiction, it is at the stage of introduction that we can raise it. This opportunity is being denied to us. Therefore, if we proceed to the consideration of the Bill without formally introducing it, we will be violating the rules. Therefore, my point of order is that leave must be sought for introduction of the Bill.

SHRI BHUPESH GUPTA: Sir, I have heard your ruling, I am no questioning it. With regard to the joint sitting, you have given the ruling. Being a loyal parliamentarian, the matter rests there. I may disagree, but it is settled.

My point of order now relates to the motion of Mr. H. M. Patel. Sir, we have been asked by his motion to repeal, *inter alia*, a particular measure, namely, Banking Service Commission Ordinance of September 1977. Clause 5 of the Bill says this. Is it proper, in order, for the hon. Minister to call upon the Parliament, either House or joint sitting, to repeal something, a law or an ordinance which does not exist? In this connection, I beg to invite your attention to Article 123 which relates to the power of the President to issue Ordinances. Clause (2) of that Article says:

> "(2) An Ordinance promulgated under this article shall have same force and effect as an Act of Parliament, but every such Ordinance—
>
> > (a) shall be laid before both Houses of Parliament and shall cease to operate at the expiration of six weeks from the reassembly of Parliament, or, if before the expiration of that period resolutions disapproving it are passed by both Houses, upon the passing of the second of those resolutions; and
> >
> > (b) may be withdrawn at any time by the President."

Now, Sir, my point here is that this Ordinance was laid in the Lok Sabha in the last Session of the last year, I think in the beginning of October. A

Bill was passed to give effect to this Ordinance. The Bill as passed came to Rajya Sabha. The Rajya Sabha rejected it, or whatever you call it, on the 8th of December. Counting from the first day, the day on which the Ordinance was laid in the Lok Sabha, six weeks passed and it expired. This Ordinance was disapproved in our House. Therefore, Sir, under Article 123, the so-called Ordinance of September 1977 which was sought to be given legal status by an Act of Parliament has lapsed. Yet, we are, in this Bill that has been given to us, asked to entertain this particular clause 5, which says, 'The Banking Service Commission (Repeal) Ordinance is hereby repealed.' What you are repealing? You repeal something which exists either as an ordinance or as a law, either as an Act of Parliament or as an Ordinance. But the Ordinance has already lapsed under Article 123. I, therefore, say that this particular Bill is illegal and invalid and it has called upon the Parliament, all Members are called upon, to entertain a provision in the clause which is patently unconstitutional and illegal. Therefore, I say, you kindly declare this particular Bill illegal, invalid, improper and not liable to be considered by the two Houses of Parliament. And I hope the Government will surely show the necessary respect to the Constitution and to the Rule of Law. They are asking us to entertain an illegal provision of the law. This is dismantling of the Emergency and the restoration of the rule of law.

MR. SPEAKER: Two points of order have again been raised: one by Mr. Stephen and another by Mr. Bhupesh Gupta. So far as Mr. Stephen's point of order is concerned, his contention is that the Bill before the House, the Bill which has been placed on the Table of the House, must first be sought to be introduced in the House. It is only thereafter that it can be taken into consideration if the House permits, allows and approves the introduction stage. His contention appears to be that this is a new measure which has been introduced in this House. Otherwise, that contention will have no basis.

So far as Article 108 is concerned, it is made clear by clause (1) of Article 108 that the President may summon a joint sitting for the purpose of deliberating and voting. In the Constitution, 3 different stages are contemplated *viz.* (1) introduction (2) consideration or deliberation and (3) voting. In all the bills which do not come within Article 108, these 3 stages have to be gone through but in the case of a bill which comes up for consideration under Article 108, only two stages are provided for *viz.* deliberating and voting. The introduction part is not there. This is so for obvious reasons, because the very bill which has been introduced, which was under the consideration of the Lok Sabha and thereafter under the consideration of the Rajya Sabha, is before this House. It is not at all a new bill that is being introduced. This is made clear by two provisos to clause (4) of Article 108 which places limitations on the right to move amendments. If this is a new Bill, then the Members would have had full right to move amendments. Such a right is not available under Article 108. That being so, I reject the contention of Mr. Stephens that there should be an introduction stage.

Now coming to Mr. Bhupesh Gupta's contention that the Ordinance which was passed on 19th September, 1977 is no more in force and, therefore, the present attempt to pass the Bill is an exercise in futility, this contention again, does not appear to me to be correct. The Ordinance was issued on the 19th September 1977, as mentioned earlier. Article 123 of the Constitution provides as to what should be done with reference to Ordinances issued by the President. Article 123(1) says—and I quote:

> "If at any time, except when both Houses of Parliament are in session the President is satisfied that circumstances exist which render it necessary for him to take immediate

[Mr. Speaker]

action, he may promulgate such Ordinances as the circumstances appear to him to require."

Clause (2) of this Article is important. It provides—and I quote:

> "An Ordinance promulgated under this article shall have the same force and effect as an Act of Parliament but every such Ordinance—
>
> (a) shall be laid before both Houses of Parliament and shall cease to operate at the expiration of six weeks from the reassembly of Parliament, or, if before the expiration of that period resolutions disapproving it are passed by both Houses, upon the passing of the second of those resolutions; ......"

The Ordinance was placed in the Lok Sabha on 18th November 1977, i.e. within six weeks of the meeting of the Lok Sabha. Therefore, it continues to be valid till a resolution as contemplated under clause (2) of Article 123 is passed. No such resolution has been passed; and, therefore, the Bill before the House is in order; and does not violate Article 123 of the Constitution.

12.25 hrs.

BANKING SERVICE COMMISSION (REPEAL) BILL

THE MINISTER OF FINANCE (SHRI H. M. PATEL): I beg to move:

> "That the Bill to repeal the Banking Service Commission Act, 1975, as passed by Lok Sabha and rejected by Rajya Sabha, be taken into consideration for the purpose of deliberating on the Bill."

Mr. Speaker, Sir, the Banking Service Commission (Repeal) Bill, 1977 is before this Joint Sitting of both the Houses of Parliament for consideration.

This Bill was considered and passed by Lok Sabha on 5th December, 1977. Rajya Sabha, however, did not favour this Bill and rejected the Bill on 8th December, 1977.

Government are firmly of the view that a system of recruitment of personnel in public sector banks based on the concept of a single centralised recruitment agency will make the recruitment process inefficient, unwieldy and cumbersome, with serious consequences for the public sector banks. It is also our view that such a system would seriously affect fair and balanced representation of rural areas, particularly of persons belonging to the more vulnerable sections of our society, for employment in the banking industry.

It has also to be borne in mind that the bulk of the officers are drawn by selection from amongst the ranks of clerks. It is, therefore, most essential that the process of selection of clerks right from the beginning is such that it enables us to draw into the banking industry persons who offer promise as officers of the future. To ensure that they discharge their social and economic functions effectively, moreover, we have to ensure that all regions and all language groups in the country have the opportunity to be recruited in the banks. Having regard to the vast extension of branches in the rural areas—there are today something like 11,000 rural branches and their number is growing—we have to take the utmost care to see that our rural branches are staffed by clerks and officers who are proficient in the language of the area they are working in. All this can only be ensured if the recruitment arrangements are fully decentralised.

It was for this reason that Government decided to abolish the Banking Service Commission by seeking to repeal the Banking Service Commission Act, 1975. The two Houses of Parliament having disagreed with each other in this matter, the Government, therefore, have brought the Banking Service Commission (Repeal) Bill before this Joint Sitting of the two Houses for consideration and final decision in this matter.

At the very outset, I wish to point out that annual recuritment in the banking sector is of the order of 15,000 to 20,000 for clerks and 1,500 to 2,000 for officers. It is further estimated that these requirements may increase substantially in the years to come. In another five years' time, the number of clerical recuritment required every year may be around 40,000. It is hardly possible for a centralised machinery to cope with the task of recuritment on such a large scale. There is also no assurance that all the available vacancies will be filled in time to meet the manpower requirements of the banking industry. I may also add that from the very beginning the Reserva Bank of India had strong reservations on the establishment of such a Commission for these very reasons.

While the Bill was under discussion in Lok Sabha, some hon. Members from the Opposition had alleged that this Bill is a prelude to de-nationalisation of banking. This, I am afraid, was a wholly mischievous suggestion. I had then stated in the Lak Sabha, and I wish to reiterate again, that there is no truth whatsoever in this allegation. This Government has no intention to go back on the nationalisation of 14 banks. We are committed to the social and economic objectives for which banks were nationalised and we are going forward in fulfilling these objectives. To this end, we are making vigorous efforts to ensure that banks penetrate into all remote and rural areas in the country, and that an increasing proportion of bank credit is made available to the hitherto neglected sections of the population, particularly to agriculturists, small traders small artisans etc. During the past 14 months, we have opened more branches than in any corresponding period before. There are very few unbanked areas now left in the country.

It goes without saying that the social and economic objectives of nationalisation of banking cannot be achieved without the effective co-operation of bank staff at all levels. The attitudes and approach of the bank staff has to undergo a change if we are to realise our objectives. The House will agree with me that our system of recruitment must be consistent with the requirements of the situation. Unless the recruitment system is properly designed, we shall not be able to go forward in a systematic fashion. It must be recognised that we can hardly expect a central recruitment system to pick up an adequate number of people from rural areas, particularly from socially backward classes for employment in banks. It is our firm conviction that only a decentralised system will be able to do so. If we set up a centralised system, it will only result in a bureaucratic approach and most of the right candidates from different regions and particularly from rural areas will find it difficult to find placement through such a bureaucratic system. I think it is necessary to recognise that our UPSC recruits for a number of services and that their recruitment is confined to a very limited circle of people. In fact, they will be found to be coming in the main from a limited number of educational institutions. This is something which we cannot possibly put up with so, far as the banking sector is concerned. We also feel that if banking is genuinely to serve the diversified needs of the various parts of the country, persons from all re-

[Shri H. M. Patel]

gions and language areas of the country should get an effective opportunity to secure employment in the banking sector. Here again, I am clear in my mind that unless we have a decentralised system for recruitment, this objective will not be achieved.

A legitimate query may be raised as to the alternative recruitment procedure we have in mind. A Committee of Bankers set up by the Government to make recommendations in this regard has suggested a scheme under which groups of banks with headquarters in a region will come together and set up a common recruitment machinery to cater to their requirements. This scheme provides a judicious combination of the benefits of common recruitment and advantages flowing from decentralisation. It is proposed to have seven Groups of Banks in this manner, setting up in the process seven Recruitment Boards. The groupings as at present envisaged are:

Eastern Group: United Commercial Bank and United Bank of India.

Southern Group (Madras): Indian Bank and Indian Overseas Bank.

Southern Group (Bangalore): Syndicate Bank and Canara Bank.

Northern and Central Group: Punjab National Bank and Allahabad Bank.

Western Group-I: Bank of India, Dena Bank and Central Bank of India.

Western Group-II: Bank of Baroda, Union Bank of India and Bank of Maharashtra.

State Bank Group: State Bank and its associate banks.

Recruitment will thus be done at these Centres, namely, Calcutta, Madras, Bangalore, Delhi and Bombay. It is also the intention to establish sub-centres to facilitate recruitment. For achieving certain minimum uniformity in recruitment, common guidelines will be issued to these Boards by the Government in consultation with the Reserve Bank of India. In fact, in the State Bank of India and the Reserve Bank of India, such Recruitment Boards are today functioning and functioning most efficiently.

What we have in mind is an alternative system of recruitment in banks similar to the system of recruitment by Railway Service Commissions. Government do not consider it necessary to have statutory powers to implement this alternative system of recruitment. The Railway Service Commissions are not statutory bodies. Even in Government, recruitment to Class III posts is done by the Staff Selection Commission which is not a statutory body. No one has accused that these bodies are not impartial in their selection methods and we have every hope that the seven Recruitment Boards to be constituted for the banking sector will perform their tasks objectively and impartially. We feel that the proposed system of Recruitment Boards serves the basic objectives of recruiting personnel for our banks in a fair and impartial manner, while giving a reasonable opportunity to the candidates from all regions.

We are convinced that this system is preferable to the revival of the Banking Service Commission, which apart from interfering with the autonomy, flexibility and the working of the public sector banks, will make the recruitment to satisfy the legitimate requirements and language requirements.

During discussions in Rajya Sabha, some Opposition MPs had even alleged that the system of Recruitment Boards has been devised to allow banks to extend patronage to the supporters of the Ruling Party. Considering that before we issued an Ordinance dispensing with the Banking Service Commission, all that had been done was the appointment of a Chairman of the Commission, and no thinking had been done as to how the Commission was to be organised and broadly how it should function so as to satisfy the essential requirements of a banking system, with the majority of its branches spread out in the vast rural areas of the country. It is obvious that the charge of patronage against the present Government is just plain malice and totally unfounded. We are fully conscious of the need to ensure that in a major public enterprise like banking which occupies a vital role in our econnomy, recruitment should not merely be objective and impartial but it should also appear to be so. That is why it is proposed that recruitment should be by independent Recruitment Boards, in the banks organised into groups for administrative convenience and to secure economies. The Chairman of the proposed Recruitment Boards will be eminent persons and Members will be those having the requisite experience in banking, accountancy, management and so on. The Board will be independent of the management of the banks in their day to-day recruitment work. thus ensuring that no nepotism or malpractices occur. It is our considered judgement that this decentralised system is best suited to the needs of the banking industry and its expansion in rural areas. It will be as stem which permits candidates to select a bank for whicn they wish to work instead of belonging to a depersonalised and over-centralised system which can only result in officious bureaucracy. And while this will be achieved, the really talented will be able to find adequate opportunities for promotion to higher appointments on an all India basis. The proposed system will also be less costly because it will not require any elaborate secretariat to look after the administrative task of recruitment. Above all, it is a system which will enable recruitment at the local level of persons who know the local language and conditions and are thus able truly to assist in the provision of credit to the common-man.

Sir, I hope, the detailed analysis I have attempted in highlighting the points in favour of the proposed Recruitment Boards will convince the Hon. Members present here today that this mehod is preferable in every respect to the over-centralised system envisaged in the creation of Banking Service Commission. We are convinced that given the magnitude of the task of recruitment it was expected to handle, the Commission would not have been able to perform its functions with reasonable efficiency and speed. Our decision to dissolve the Commission is thus the only appropriate course and is wholly in public interest.

I now commend the Bill for adoption by this Joint Sitting of both Houses of Parliament.

MR. SPEAKER: Motion moved:

> "That the Bill to repeal the Banking Service Commission Act, 1975, as passed by Lok Sabha and rejected by Rajya Sabha, be taken into consideration for the purpose of deliberating on the Bill."

Before I call the next speaker let me mention to you that at the meeting of the Leaders it was decided that this Bill be allotted six hours on the whole—four hours for the purpose of preliminary discussion and two hours for the rest. Out of this, time has been allotted like this: Janata—156 minutes including the speech of the Finance Minister; Congress (I)—43 minutes; Congress—35 minutes; CPI(M)—10 minutes; AIADMK—8 minutes; CPI 5 minutes and the rest will be given some time. Now, I request Mr. Kamlapati Tripathi to speak.

श्री कमलापति त्रिपाठी (उत्तर प्रदेश) : अध्यक्ष महोदय, मैं आपका कृतज्ञ हूं कि इस अवसर पर आपने मुझे अनुमति प्रदान की कि जो विषय सदन के सम्मुख है उस पर अपने कुछ विचार प्रकट कर सकूं। मैं आरम्भ में ही कह देना चाहता हूं कि वित्त मंत्री ने जो बिल पेश किया है, मैं उसका विरोध करने के लिए खड़ा हुआ हूं। मैं इसका विरोध करना चाहता हूं क्योंकि हम यह मानते हैं कि यह बिल पश्चाद्-गामी है, प्रतिक्रियावादी है. . .(**व्यवधान**). . . मैं समझता हूं कि जनता पार्टी के सदस्यों में दूसरों की बात सुनने के लिए धैर्य होना चाहिए। मैं ऐसा मानता हूं कि यह प्रतिक्रियावादी बिल है। इसके पीछे राजनैतिक दृष्टि है। इस बिल के द्वारा चेष्टा की जा रही है कि बैंकों के राष्ट्रीयकरण के कारण जो प्रक्रिया परिचालित हुई और जो धारा प्रवाहित हुई उसे यदि मोड़ा नहीं जा सकता, यदि उस प्रक्रिया को समाप्त नहीं किया जा सकता तो उसके प्रवाह में गतिरोध उत्पन्न किया जाये। इस विचार से यह बिल पेश किया गया है। यही कारण है कि हम इसका विरोध करते हैं।

जनता पार्टी की सरकार ने इस बिल को खत्म करने के लिए तीन महा-प्रयास किए। यह बिल 1975 में पास हुआ और बैंकिंग सर्विस कमीशन ऐक्ट बना। इसके माध्यम से एक चेयरमन की भी नियुक्ति हुई। अब इस बिल को खत्म करने के लिए महा-प्रयास किया जा रहा है। पहले इसकी समाप्ति आर्डिनेंस के जरिए करने की कोशिश की गई थी। आर्डिनेंस जारी किया गया और चाहा गया कि यह बिल समाप्त हो जाये। आर्डिनेंस के बाद लोक सभा में रिपील बिल पेश किया गया और लोक सभा ने उसे स्वीकार किया। उसे राज्य सभा में स्वीकृति के लिए पेश किया गया। यह दूसरा प्रयास था। राज्य सभा ने विचार के समय इस बिल पर विचार करना नामंजूर किया और वहां से यह अस्वीकृत हो गया। इस प्रकार यह दूसरा प्रयास भी अस्वीकार हुआ। अब तीसरा प्रयास हुआ है कि लोक सभा और राज्य सभा का संयुक्त अधिवेशन बुलाया गया है इस विचार से कि बहुमत का लाभ उठा कर के रिपील बिल को पास कर लिया जाये। इस प्रकार जो बैंकिंग सर्विस कमीशन ऐक्ट बना हुआ है वह हमेशा के लिए खत्म कर दिया जाये। मैं समझता हूं इतने बड़े प्रयास की आवश्यकता नहीं थी। जब राज्य सभा हमारे संसद् का एक प्रमुख अंग है, वहां से इसकी अस्वीकृति हो चुकी थी तो उचित तो यह होता कि सरकार उस निर्णय को स्वीकार करती और उस बिल को जो रिपील बिल था उसे रिपील हो जाने देती। लेकिन संयुक्त अधिवेशन की कल्पना की गई और आज यह अधिवेशन बुलाया गया।

मान्यवर, आपने रूलिंग दे दी है कि यह ज्वाइंट सेशन वैलिड है, इसलिए इस पर मैं कुछ नहीं कह सकता। तथापि अनेक आपत्तियां उठाई गईं, फिर भी जो आपने उस पर अपना निर्णय दे दिया हम उसके सामने अपना सिर झुकाते हैं। लेकिन मैं आपसे निवेदन करना चाहता हूं कि जब बैंकों का राष्ट्रीयकरण हुआ तब उसके पीछे कुछ विचार था। उन विचारों को कार्यान्वित करने के लिए ही बैंकिंग सर्विस कमीशन की कल्पना की गई थी।

मान्यवर, 1969 में तत्कालीन कांग्रेस में स्प्लिट हुआ, यह स्प्लिट बहुत से प्रश्नों को लेकर हुआ था, जिनमें बैंकों का राष्ट्रीयकरण बड़ा प्रमुख स्थान रखता था। हमारे आज के प्रधान मंत्री जी उस जमाने में भारत सरकार के वित्त मंत्री थे। मैं उन्हें स्मरण दिलाना चाहता हूं—बंगलौर में कांग्रेस वर्किंग कमेटी की जो मीटिंग हुई थी, जिसमें बैंकों के राष्ट्रीयकरण का प्रस्ताव पास किया गया था, उस समय जो बहस हुई थी—वह इस बात का प्रमाण थी कि कांग्रेस में और कांग्रेस के बाहर कुछ ऐसे तत्व थे, जो बैंकों के राष्ट्रीयकरण के विरोधी थे। उन्होंने उस समय उसका विरोध करने की चेष्टा की और तब से अब तक उनकी यह चेष्टा जारी रही। जब राष्ट्रीयकरण किया गया, उस समय मुकदमेबाजी में देश को फंसाने की चेष्टा की गई, वे लोग राष्ट्रीयकरण की कल्पना को स्वीकार नहीं करते थे, फिर भी राष्ट्रीयकरण हुआ। राष्ट्रीयकरण के पीछे हमारे कुछ आवेश थे, कुछ विचार थे, कुछ भावनायें थीं। हम यह समझते थे कि राष्ट्रीयकरण के माध्यम से देश कुछ कदम आगे जा सकेगा। हमारा यह विश्वास तब भी था और आज भी है कि बैंकों के भीतर राष्ट्र की सम्पत्ति रखी हुई है, कुछ थोड़े से परिवारों की, कुछ थोड़े से उद्योगपतियों की, कुछ थोड़े से एकाधिकार स्थापित करने वालों की ही सम्पत्ति नहीं है, बल्कि इन बैंकों में अध्यापकों का भी पैसा है, वकीलों का भी पैसा है, छोटे-मोटे उद्योगपतियों का भी पैसा है, किसानों का भी पैसा है, जिसकी जो क्षमता होती है, उसके अनुसार वह अपने पैसे को बैंकों में जमा कराता है, इसलिये उसमें जो सम्पत्ति जमा है, वह राष्ट्र की सम्पत्ति है। बैंकों के राष्ट्रीयकरण के पीछे हमारा यह विचार था कि इसके धन से राष्ट्रीय हित में, राष्ट्र कल्याण की योजनाओं को आगे बढ़ाने का प्रयास किया जाये। राष्ट्रीयकरण से पहले ऐसा हो रहा था कि जिन लोगों का अधिकार उन बैंकों पर बना हुआ था, वे राष्ट्र की उस सम्पत्ति से अपना लाभ उठा रहे थे, चाहे वे मोनोपोली हाउसेज हों या बड़े-बड़े उद्योग-पति हों। 20–22 या 24 बड़े परिवार, जिनके हाथों में बैंकों की पूंजी थी, वे ही उसके सर्वे-सर्वा थे। इसलिये उस समय यह निश्चय किया गया कि किसी प्रकार से राष्ट्र की इस सम्पत्ति को उनके हाथों से निकाल कर राष्ट्र के कल्याण में, राष्ट्र के हित में लगाया जाये। ताकि इनका

राष्ट्रीयकरण करके हम उन लोगों की सहायता करें, जो वास्तव में उस सहायता की अपेक्षा कर रहे हैं, ऐसे निर्बल जो इसके बिना अपने पैरों पर खड़े नहीं हो सकते हैं। इस माध्यम से किसानों, छोटे-छोटे उद्योग-धंधे करने वालों, कुटीर उद्योगों, ग्राम-उद्योगों, यहां तक कि विद्यार्थियों की सहायता की जाये। हम ने तय किया कि इन बैंकों के माध्यम से हम किसानों को ऋण की सहायता करेंगे, ताकि वे अपनी स्थिति को सुधार सकें, उनकी गरीबी को दूर करने का कोई-न-कोई रास्ता निकल सके।

मान्यवर, गरीबी दूर तब होती है, जब आमदनी बढ़ती है, आमदनी तब बढ़ेगी, जब देश का उत्पादन बढ़ेगा, लोगों को काम-धन्धा मिलेगा। इसलिये उस समय यह सोचा गया कि बैंकों की सम्पत्ति जो राष्ट्रीय सम्पत्ति है, उसके माध्यम से हम उन लोगों को अवसर प्रदान करेंगे, जो अपने पैरों पर खड़े होना चाहते हैं, जो अपनी आमदनी को बढ़ाना चाहते हैं, जो अपने जीवन स्तर को उठाना चाहते हैं—इसके पीछे यही विचार था, यही कल्पना थी।

चार-पांच वर्ष तक इस उद्देश्य से काम किया गया, लेकिन यह देखने में आया कि जिन लोगों के हाथों में पहले से बैंकों का अधिकार था या जो बैंकों में काम करने वाले सत्ता-अधिकारी थे, वे ऐसे हैं जिनकी विचारधारा अभी भी भिन्न है, उन पर इन विचारों के संस्कार नहीं पड़ पा रहे हैं, वे उस विचारधारा को कार्यान्वित करने में समर्थ नहीं हैं, क्योंकि उनकी कल्पना शुरू से भिन्न रही है। ऐसी स्थिति में यह आवश्यक समझा गया कि ऐसे लोगों की भरती की जाये—बैंकिंग सर्विसिज कमीशन का कानून बना कर—जो नये विचारों से ओतप्रोत हों, जिनकी भरती में किसी प्रकार का नेपोटिज्म या पक्षपात न होने पाये। इसलिये बैंकिंग सर्विसिज कमीशन एक्ट पास हुआ और एक कमीशन बनाया गया। चेष्टा इस बात की थी कि मोनोपली हाउसेज के हाथ में जो रिक्रूटमेंट का, भर्ती का अधिकार है और उनके व्यवस्थापकों के हाथ में अधिकार है, वह निकले और एक निष्पक्ष संस्था के माध्यम से हम बैंकों में भर्ती कर सकें। इस सर्विस कमीशन की कल्पना हमारे देश में नई नहीं है। संविधान के अन्तर्गत हम सर्विस कमीशनों की स्थापना करते हैं। यूनियन पब्लिक सर्विस कमीशन भी है और प्रदेशों में अलग-अलग हमारे पब्लिक सर्विस कमीशन्स भी हैं। रेलवे के भी पब्लिक सर्विस कमीशन हैं। माननीय वित्त मंत्री जी ने कहा कि वे स्टेटूटरी नहीं हैं। स्टेटूटरी हों या न हों, उनके द्वारा भर्ती होती है और डिसेन्ट्रेलाइज्ड ढंग से भर्ती होती है। कई प्रदेशों में रेलवे के पब्लिक सर्विस कमीशन्स स्थापित हैं और उनके द्वारा वहां के लोकल आदमियों को भर्ती किया जाता है। तो पब्लिक सर्विस कमीशन की कल्पना जो बैंकों के लिए थी, वह कोई ऐसी नहीं है जिसको हम जानते न हों। बैंकिंग सर्विस कमीशन की कल्पना इस विचार से की गई है कि ऐसा तरीका निकलेगा जिसमें निष्पक्ष ढंग से बिना किसी फेवरेटिज्म और निपोटिज्म के भर्ती हो सकेगी और ऐसे लोगों की भर्ती हो सकेगी जो नये विचारों से कुछ ओतप्रोत होंगे, जिनके द्वारा उन नीतियों का कार्यान्वयन हो सकेगा जिन नीतियों को लेकर बैंकों का राष्ट्रीयकरण किया गया था। आज जो बिल पेश किया गया है, वह तो इस दृष्टि से है कि यह जो अधिकार है वह आप तमाम बैंकों को दे देना चाहते हैं और बैंकों के उन लोगों को अधिकार दे देना चाहते हैं जिनका अब भी थोड़ा प्रभुत्व बना हुआ है। उनके हाथ में भर्ती के अवसर देने से वे अपने हाली मुवाली को पक्षपात के साथ अपनी दृष्टि के अनुसार वो जिसको चाहेगा, भर्ती करेगा। हम समझते हैं कि यह एकदम प्रतिक्रियावादी कदम है और देश की प्रगति के लिए जो कार्य किया जाता है, उसमें अवरोध पैदा करने वाला यह बिल होगा। हमने राज्य सभा में इसका विरोध किया था और आज फिर इसका विरोध करते हैं सरकार अपने बहुमत के बल पर इसको स्वीकार कर सकती है पर देश देखेगा कि एक प्रगतिशील कदम को पीछे ढकेलने की कोशिश की जा रही है और जो एक धारा प्रारम्भ हुई थी, एक प्रक्रिया चरितार्थ हुई थी, उसे अगर समाप्त नहीं किया जा सकता, उसे मोड़ा नहीं जा सकता, तो उसके प्रवाह में, उसकी गति में एक अवरोध उत्पन्न करने की कोशिश की जा रही है।

इन शब्दों के साथ हम इस बिल का घोर विरोध करते हैं। मुझे प्रसन्नता है कि आपने मुझे जो यहां पर बोलने का समय दिया, और आपने इस ज्वायन्ट सिटिंग को कॉलिड करार दिया, तो जब मैं यहां बोलने के लिए खड़ा हुआ, तो मुझे कांस्टीटुयेन्ट एसेम्बली की याद आ गई। उस समय मैं भी उसका मेम्बर था और इसी सेन्ट्रल हाल में कांस्टीटुयेन्ट एसेम्बली की बैठकें हुई थी और हाल पूरा भरा हुआ होता था और आज जब मैंने इस दृश्य को देखा यद्यपि यह लोक सभा और राज्य सभा की ज्वाइन्ट सिटिंग है, तो मुझे प्रसन्नता हुई और मै यह समझता हूं कि जिस 30 वर्ष के हमारे इतिहास में आज दूसरी बार यह ज्वाइन्ट सिटिंग हो रही है, हालांकि मैं इसको आवश्यक नहीं समझता था कि ज्वाइन्ट सिटिंग की जाये, लेकिन सरकार ने यह सिटिंग की और हमारे लिए इसके सिवा कोई रास्ता नहीं है कि हमने जिस बिल को रिजेक्ट किया था, आज फिर उसको रिजेक्ट करने की कोशिश करें और हमारे जितने भी प्रगतिशील तत्व हैं हमारे इस सदन में, उन सबका आह्वान करेंगे कि वे इस विषय में हमारा साथ दें।

SHRI R. R. MORARKA (Rajasthan): Mr. Speaker, Sir, as I sat here and heard the speech of the Hon. Leader

[Shri R. R. Morarka]

of the Opposition in the Rajya Sabha. I was simply surprised. Sir, as you know, the banks were nationalised in 1960 and, for the first time, the then Government brought the measure for establishing a Banking Service Commission in 1975. But, even after passing the Bill in 1975 by Parliament, they did not act on it till February 1977—*i.e.* for another 17 or 18 months. And, Sir, when they acted in February 1977, by that time elections were announced and they knew that a measure of the type which they were undertaking was not only infeasible but was also not in the interests of the banks which were nationalised; also that it would not be approved by the people. So, they were in a great hurry at that time to constitute this Commission. But even after the constitution of the Commission, the Commission had not functioned at all, not even for a single day. They have not recruited anybody and this is a mere imagination on the part of the hon. Leader of the Opposition in Rajya Sabha that if this Bill is repealed, the recruitment policy would suffer and all the banks would go back in the lap of the monopoly Houses. I need not tell you, Sir, how favourite the monopoly Houses were of the party of the hon. Leader of the Opposition in Rajya Sabha during the period they were in Government During the period of last four or five years, the size of the various monopoly Houses has doubled or trebled; in some cases, the growth of the monopoly Houses was more than ten times. This is not the occasion for me to go into all these details and tell you the facts and figures, but it would be a futile attempt on the part of the Leader of the Opposition in Rajya Sabha to pretend that they are averse and allergic to the monopoly Houses. In fact they have done everything possible to strengthen, build up and encourage these monopoly Houses...... *(Interruptions)* They say that I am a symbol of the monopoly Houses.... *(Interruptions)*.

The hon. leader of the Opposition in Rajya Sabha agreed to one point and that was that the Railway Services Commission were functioning properly. If I understood correctly, the hon. Finance Minister, who moved the motion before the House was also saying that decentralisation in this matter would be in the interest of the banks and in support of that argument, he gave the simile of the Railway Services Commissions. All that he said was that for establishing the Railway Service Commissions, no statutory provision was necessary and similarly no statutory provision was necessary for this (Banking Boards) also. The Scheme which the Finance Minister is enunciating, without any statutory provision, for the establishment of decentralised recruitment agencies of different banks in different areas would certainly be much more in the interest of the banks and the country.

MR. SPEAKER: You may continue your speech after lunch.

13 hrs.

The Houses of Parliament in joint sitting adjourned for lunch till Fourteen of the Clock.

14.00 hrs.

The Houses of Parliament in joint sitting re-assembled after Lunch at Fourteen of the clock.

[MR. DEPUTY-SPEAKER *in the Chair*].

BANKING SERVICE COMMISSION (REPEAL) BILL—*Contd.*

MR. DEPUTY-SPEAKER: Mr. Morarka to resume his speech.

SHRI R. R. MORARKA: Just before we adjourned for lunch I was saying that the proposed decentralised recruiting Boards could serve the needs of the rural areas more effectively and more purposefully. During the year 1977, you would be interested to know, the commercial banks opened, 3,348 Branches, the highest number in any one year and of these, 2,261 branches or about 66.3 per cent are in the rural centres. Not only this, the government have decided that by the end of June 1978 no community development block should remain unbanked. That is, banking offices should be opened in each and every community development block. At the end of December 1976, there were 700 such blocks which did not have any banking facilities. Now, the number is reduced to only 250 and it is expected that by the end of June 1976 there would be no community development block left without banking facilities.

Besides this, there are 46 Regional Rural Banks spread over 16 States and covering 87 districts to provide credit to the weaker sections in the rural sector. At the end of January 1978 they had opened 1218 branches, mobilising 32.9 crores of rupees as deposits and disbursed Rs. 46.14 crores as credit. In view of this rural bias, it is very essential that we have the recruitment policies which would serve particularly the rural areas.

At the time of nationalisation it was envisaged that all these banks must keep their individuality. That was the reason why all the 14 banks were allowed to remain as individual units and they were not merged into one corporation like the LIC or the General Insurance Corporation. The idea was that they must have their individuality and there must be a healthy competition both in customer service as well as deposits mobilisation.

Apart from this, I would like to know whether there is any other public sector corporation which has set up a centralised recruiting agency. We have, for example, the National Textile Corporation. It has got 105 textile mills spread all over the country, but it has not got a centralised recruitment policy. It has lakhs of employees and it deals with crores of rupees, still so far as recruitment is concerned, each mill is allowed to have its own recruitment.

Similarly, the Coal India is again a big corporation employing lakhs of people and dealing in hundreds of crores of rupees and yet it has not got a centralised recruitment policy. Then we have the steel plants. They deal in thousands of crores of rupees and they have a very large number of people, both officers, junior officers, clerks and labourers. And yet they do not have any centralised recruitment policy. In view of this I do not see any reason why we should have a centralised one recruitment Commission for the nationalised banks alone.

I have been hearing the hon. members today. I also went through the debates in the Rajya Sabha on December, 8th, I could not find a single argument advanced by any hon. member against this repeal Bill. My friend Shri Bhupesh Gupta who took part in the debate at that time, all that he said was, the recruitment policy should be such as would give chance to the weaker sections, to everybody and that it should be rational, it should be objective, and it should be impartial. I fully agree with him. The proposal moved by the Finance Minister would definitely ensure all that and this present Act which has a Central Recruitment Agency would go against it.

I want to make one suggestion to the hon. Finance Minister. Even if these constitutes even Boards recruiting in different areas, at the end of the year, the reports of these Boards must come before the Parliament. Reports must be placed before each House of Parliament so that hon. members may have a chance to examine them and see that the recruitment policy is not biased towards any particular section or community. It is impartial and is carried on as per the desire of the sovereign House.

I felt a little concerned to hear the hon. Finance Minister about the

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workload of this one Commission which is existing now. According to him at present 20,000 clerks are recruited every year and about 4,000 to 5,000 junior officers are recruited every year and he further says that in due course after about five years this number would increase to 40,000 clerks annually. This certainly is a very heavy workload for any single commission. I do not think even the Union Public Service Commission recruits as many as 40,000 clerks or officers every year. That is another justification why there should not be one single recruiting agency, but it should be decentralised and there should be six or seven recruitment boards as envisaged by the Finance Minister.

Something has been said about the objectives at the time of nationalisation. The main objective why the Banks were nationalised was that these banks were not serving the needs of the weaker sections, needs of the agriculturists, needs of the rural areas and more so, credit was monopolised by the monopoly Houses. The purpose was not achieved to the extent that we wanted. It was achieved to a very little extent during the regime of the previous Government. But now with the special efforts, with the special steps that have been taken I am sure the real objective and the real purpose of the nationalisation would be fully achieved. But so far as recruitment policy is concerned, the only thing that was envisaged at the time of nationalisation was that there should be no centralisation, there should be no bias in favour of anybody. Everybody should get fair and proper chance. I think the scheme which is propounded by the hon. Finance Minister *viz.*, of having seven recruitment boards dispersed all over the country to meet the special needs of these areas in different regions would serve that purpose.

SHRI T. A. PAI (Udipi): Mr. Deputy Speaker, Sir, we have listened to the Finance Minister and we have listened to members of the Janata Party as well as the Opposition, on this very unnecessarily controversial subject. I think partly the Finance Minister has been responsible for it. There are half-truths in whatever he said. We know that if only the Finance Minister had taken the rest of us into confidence we could have certainly brought forward suggestions which might have achieved the purpose very much better. But the suggestion to have a Public Service Commission for the banks was not part of Bank Nationalisation certainly. It was a recommendation of the Banking Commission presided over by Mr. Saraiya. This Commission had been appointed by Mr. Morarji Desai. as the Finance Minister. Their recommendations came very much later than Bank Nationalisation.

I would not consider that the method of recruitment would, under any circumstances, mean an attempt to denationalisation. But if you agree that the purpose of nationalisation has to be fulfilled, we may have to think as to what is meant by the nationalisation of the banking system. When nationalisation of banks took place it is not that the deposits of banks were nationalised. The people who had deposited money had the right to withdraw the money at any time and shift it from the banking system. It was in fact the nationlisation of the banking apparatus, it was in fact nationalisation of men and women working in the banks. And therefore in an industry where highly personalised service is a must, what type of people are to be recruited has to be learnt more from experience than merely based on academic qualifications. I have not yet found even from my personal experience whether matriculates are less qualified to be good bankers than graduates or that those who secured 60 per cent marks are better than those who secured 45 per cent marks.

Very often in this country, as the number of people who apply for jobs are far too many we want to have some kind of—escapism by prescribing 60 per cent marks, graduation and so on. If every graduate could be absorbed in the banking system, it would be all right. But here you are unnecessarily making people to go up to graduation, to be frustrated later on. The attitude of people has to change in the thousands of tasks that the banking system is expected to be entrusted with. Banking system can be a powerful instrument to bring about socio economic changes in the country, but what type of banking and what type of bankers? In fact the difficulty of the Government was to change the attitudes of those who are already in the banks. At the time of nationalisation we talked a great deal of security being not very important but the purpose being served. But what we find is that even today the banks demand a security and the purpose does not become very important.

I would like to ask a question: If a man with a torn shirt goes to a branch of a bank today with a perfectly good case for finance, would he be even looked at by the bank clerk leave alone the Bank Manager? If a man goes in a Mercedes Benz I am quite sure, even if he is a bankrupt, he is likely to be invited for a cup of tea and perhaps he might be able to secure his loan. Now how are you going to change this attitude? I am convinced about this. Regarding what type of recruitment you have to make. you should have consulted the bank managers and the employees' unions, because, at the time when nationalisation took place all the employees unions had given you the maximum support and they were capable of giving you all the assistance to extend your area of operation into the rural branches. Because of the differentials in salaries, you cannot go on expanding the banks by opening branches. What you have said is true that a rural bank today makes a loss of Rs. 2.0 lakhs or Rs. 3.0 lakhs for a period of two or three years before it pays itself and the banking business will come to a standstill soon. So, what type of men have to be recruited is not known? In the rural areas, people come from families who were getting education for the first time, the boys who had learnt in schools where there were no facilities for laboratories and libraries and how do you expect them to compete along with others who come from the urban areas? I am convinced if they are to serve the rural people you would have to recruit from the rural people themselves and you will have to give representation to everybody. This Act has at least one virtue that it reserves a certain number of posts for the Scheduled Castes and Scheduled Tribes. Now, you want to have administrative orders to ensure this. Does it happen? I know in the Railways this quota has been fulfilled by taking the number of sweepers and scavengers also and I had to order that "as long as other communities are not prepared to do that job, this figure will not be taken for filling up the quota," and similarly you might have reserved all the positions of posts in the bank offices for the Scheduled Castes and Scheduled Tribes and certainly in a way for bringing them up. We are still fooling ourselves with executive orders saying that we want to fulfil the aspirations of the weaker sections of the people but it does not mention or propose what kind of recruitment you are going to make and for what purpose you are going to make the recruitment. These are the questions which you will have to think about very seriously. It is not merely deciding to do away with it just by an Ordinance which should not have been done. It is entirely known to all that you were much in hurry to go ahead

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without thinking. Why did you not have the consultation with the Bank Management? Why did you not learn from their experience? Is it because you occupy the position, you know everything about it? Why don't you consult the employees who have spent their life-time in banking to find out how things could be improved? Well, as long as this attitude does not come into our system, I do not accept that banking system today could make much head way. Ever since Bank Nationalisation took place, I think the Bank Chairmen have become almost head clerks." They have not applied their mind as to what the banking can do in this country. Unfortunately, when the Boards were constituted recently, unlike in the past, did the Finance Minister look into it and see whether some active office-bearers of the Janata Party were not put on the Board of some of the Banks? You cannot deny that charge that the banks are likely to be used for party purposes. If you have found fault with the nationalised banks of interference of one or two individuals well, I am afraid, as a system, you are exposing yourself to a greater criticism.

Sir, there have been complaints that because the guidelines have not been laid in respect of Directors as to what they can do and what they should not do, the Board agenda has been discussed outside and certain clients are exposed to blackmail also. I think every customer expects that his transaction should be treated as confidential. Well, I think these are a few things which you will have to look into immediately and set right.

So far as the recruitment is concerned, I think you will find the suggestion that you have made also is not workable for the simple reason that you can have regional Boards consisting of a few banks here and there. But all these banks are no longer Regional Banks. They operate all over the country and you have Regional Boards set up in the Indian Bank and the Indian Overseas Bank.

Now I would like to know what they would do to recruit the staff in UP, Orissa or Bihar? Which Board will assist in recruiting the staff? Are they to go about advertising? Now, look at the conditions in this country. I know a bank advertised for 2000 vacancies. It received 2½ lakh applications. I want to know which Commission and who can sort out these 2000 applications being the best out of those 2½ lakh applications. Why? Because the people are anxious to go to Banking service, because the starting salaries are better than they are elsewhere and in fact the scales that you have here, in the villages you distort every other pattern and everybody is willing to look for a job in banks, I am sure the banking service cannot fulfil the hopes and aspirations of everyone and apart from that you will have to give them proper training. I am yet to be convinced when I thought of a banker, Mr. Gilbert, an expert and the greatest banker of Great Britain, who had said that "in order to be a successful banker, you do not have to be a philosopher, you do not have to be a man of science, or a man of literature; you require one quality which is called commonsense. That is precisely what is necessary, if banking is to meet the needs of the people. They should adapt themselves. Because, if you look at the history of any industrial house in this country, behind the success of an industrial house, there is bank credit that made it possible. But denial of that bank credit to a man of character and integrity can come in the way of their coming up in this country. The complaint against the banks before nationalisation was not that they helped a few but that they denied credit to many. Today the same system continues; the same complaints continue.

You are going after target oriented performances. So you must have a look into the banking system, its working. The time has come when we have to review how the banking system can be made more useful, more purposeful than what it is today. You are in a hurry to abolish what has come into existence. You are at perfect liberty to make such changes as are necessary. It looks as if this was not one of the commitments in the elections. I wonder whether you think that you are going to decentralise it. I have heard arguments about decentralisation. You can have bodies of this type working in decentralisation on paper but I am afraid that you will not achieve this purpose. I think it is necessary that an all India policy has to be laid down. The Reserve Bank and the few bankers whom you have decided to consult are good but there must be wider consultations. It is these men who have to deliver the goods. You require the type of men suited to the job, who would be trained, who would be adaptable, who are more extroverts, who mix well with people. Therefore the existence of one all India institution or dividing them into seven without clearly defining how exactly you are going to achieve the objective is not going to carry us far. Without making it a matter of prestige the government must be in a position to consult the Opposition, to consult public opinion in this country, all the bankers, the employees of banks also as to what system would suit best in the light of the experience that we have gained all these years. We have to resort to it so that we can have a dynamic and powerful and fulfulling system of banking in this country. It has been the dream of nationalisation but there has been failure in fulfilment to a very large extent.

श्री गौरी शंकर राय (गाजीपुर) : माननीय उपाध्यक्ष जी, मैं वित्त मंत्री जी ने जो विधेयक प्रस्तुत किया है, उसका समर्थन करता हूं।

सबसे पहले इस विवाद में, इस चर्चा में भाग लिया, हमारी राज्य सभा के विरोधी दल के नेता माननीय पं० कमलापति त्रिपाठी ने । उन्होंने सबसे जोर से इस बिल को अगतिमूलक बताया और कहा कि यह प्रगतिशील नहीं है । मैं यह नहीं कहता कि डेविल को इस्क्रिपचर्स को कोट नहीं करना चाहिये । मेरे ख़याल से उसको वह अधिकार रहना चाहिये इस्क्रिपचर्स कोट करने का और मैं इसके लिए उन्हें मना नहीं करता लेकिन दुर्भाग्य की बात यह है कि पिछले 20 वर्ष में हम लोग उनको दूसरे फोरम पर आदर करते थे क्योंकि वे हमारे पिता जी की उम्र के हैं, पर मैं यह बताना चाहूंगा कि मोनोपोली हाउसेज के नजदीक करने वाला उनका आदमी था और हम उनको प्रतिक्रियावादी कहते थे । और वे इस के बारे में सफाई देते थे प्रगतिशील शब्द से उनको बहुत चिढ़ थी लेकिन विचित्र संगम है कि अब इस बिल में उनको प्रगतिशील दीखने लगी । वे इसके स्वयं मूर्त रूप हैं और अगर वही प्रगतिशीलता है तो हमारे जैसे जो बहुत से लोग हैं वे अपने को प्रगतिशील कहने में संकोच करेंगे और इसको अपनी बदनामी समझेंगे । उन्होंने बंगलोर की कांग्रेस वर्किंग कमेटी का जिक्र किया । वे कांग्रेस वर्किंग कमेटी के एक सदस्य थे और मैं उस समय ए० आई० सी० सी० का सदस्य था और उस समय जिस तरह भयानक रूप से वे श्रीमती इन्दिरा गांधी के विरुद्ध थे, वह हम जानते हैं और आज जो हमारे मित्र पेट्रोलियम मंत्री जी हैं यह उनकी चतुराई थी कि उन्होंने पंडित जी को उनके स्थान से पदच्युत किया, धर्मच्युत किया, वरना वे श्रीमती इन्दिरा गांधी के विरोधी थे । अब जो उन्होंने कहा है तो कहां से उनको यह मिला और किस क्लाज में उनको ऐसा लगा कि यह देश को क्षति पहुंचाने का कार्य हो रहा है । एक सिर्फ रिक्रूटमेंट का मामला है जिसमें पंडित जी को ऐसा लगा कि यह प्रगतिशीलता नहीं है । मान्यवर प्रगतिशीलता शब्द का जो उन्होंने प्रयोग किया उसका एक ही कारण है कि उनकी स्वामी-भक्ति में कहीं कोई खरोंच न लग जाये । अब यह लगी या नहीं लगी, इसकी सफाई देने की आवश्यकता नहीं है । मेरा ख्याल है कि प्रगतिशीलता शब्द को बड़ा बदनाम कर दिया गया है । अब इस शब्द की परिभाषा बदलनी पड़ेगी । मान्यवर मैं पंडित जी को 15–20 वर्षों से बड़ा निकट से जानता हूं । मोनोपली हाउसिज से उनकी सरकार का और उनके निकट रहने वालों का पूर्ण संचालन होता रहा है । आज भी उनके संकेत पर काम करने वाले मोनोपली हाउसिज में हैं । लेकिन यह खुशी की बात है कि आज वे अपोजिशन में जाने पर मोनोपली हाउसिज से एलर्जी दिखाते हैं ।

मान्यवर, यह सारा मामला रिक्रूटमेंट का है । इसमें अगतिमूलक कुछ नहीं है । इसमें एक व्यावहारिकता की बात है । पंडित जी ने कहा कि इसको बहुत आवश्यक समझा गया था । पाई साहब ने कहा कि बैंकिंग कमीशन की रिपोर्ट है ।

[श्री गौरी शंकर राय]

यह सही बात है कि बैंकिंग कमीशन की रिपोर्ट है । लेकिन उसके इम्प्लीमेंटेशन में कितना काम हुआ ? बैंकिंग कमीशन की रिपोर्ट को पूरा करने के लिए यह काम हुआ कि सन् 1975 में एक एक्ट बना और 1977 तक उस पर कोई कार्यवाही नहीं की गयी, एक कदम भी नहीं उठाया गया । उस रिपोर्ट में आठ सदस्यों की एक समिति बनाने की बात थी, उसके लिए सरकार को एक चेयरमैन नोमिनेट करना था जिसके लिए उसको समय ही नहीं मिला । एक सेक्रेटरी को नोमिनेट करना था, उसके लिए भी सरकार को समय नहीं मिला। गुजरात के एक आई० ए० एस० अफसर को—जिसका नाम लेना यहां ठीक नहीं होगा क्योंकि व्यक्तिगत कमेंट हो जाएगा—जो कि पुरानी प्रधान मंत्री और उनके काकस के ब्ल्यू ब्वाय रहे, उनको इसका चेअरयमैन बना दिया गया प्रारम्भ से अन्त तक वे अकेले वहां चेअरमैन बने रहे । न वहां कमेटी थी, न वहां कोई समिति थी। अगर राष्ट्रीयकरण के आब्जेक्टिव्ज को, उसके उद्देश्यों को पूरा करने की बड़ी व्यग्रता थी तो दो साल में समिति बना दी गयी होती, सेक्रेटरी बना दिया गया होता, कोई रूल फ्रेम कर दिये गये होते । चव्हाण साहब कह रहे थे कि बड़ी प्रगतिमूलक बात हो गयी । क्या वे बता सकते हैं कि दो सालों के अन्दर रूल क्यों नहीं फ्रेम किये गये ? जब सरकार अपने आखिरी समय में थी तब उसने इसको प्रतिष्ठापित कर दिया । उसने एक ही काम किया कि उसका चेअरमैन बना दिया और वे चेअरमैन ही उसमें प्रारम्भ से अन्त तक रहे ।

मान्यवर, यह बात जरूर लगती है कि ऐसा छोटा मामला है कि जिस पर दोनों सदनों की संयुक्त बैठक हो रही है । हमारे अभी एक मित्र कह रहे थे कि इसमें कौन सी सैद्धातिक बात है । इसमें एक सैद्धान्तिक बात है कि हमने निर्णय किया है हम शासन के प्रत्येक पक्ष का विकेन्द्रीकरण करेंगे । जैसा कि हमारे एक मित्र ने कहा, पब्लिक सर्विस कमीशन के माध्यम से एक ही प्रकार के लोग आते थे, एक तबके के लोग आते थे, कुछ खास तरह के विद्यालयों में पढ़े हुये लोग आते थे । अगर हम यह विकेन्द्रीयकरण नहीं करते हैं तो क्या एक क्लर्क की भर्ती दिल्ली से की जाएगी ? हमारे वित्त मंत्री जी कहते हैं कि इसके सात केन्द्र खोले जाएंगे । मैं तो कहता हूं कि इसका और भी विकेन्द्रीकरण करना चाहिये । प्रत्येक सूबे में इस प्रकार के केन्द्र हों ताकि स्थानीय लोगों की अपेक्षाओं, आकांक्षाओं, उनकी भाषा, उनके भाव, भावनाओं का इन बैंकों में प्रतिपादन हो सके । आज 15—20 हजार क्लर्कंस की भर्ती है, कल को यह 40 हजार की भी हो सकती है । शायद हमारे आदरणीय पंडित कमलापति त्रिपाठी जी को कल्पना नहीं है कि जिस प्रकार से बैंकों का एक्सपेंशन होगा उस प्रकार से भरती लाखों में भी जा सकती है । क्या लाखों लिपिक दिल्ली से भरती किये जायेंगे ? यह किसी ने कल्पना नहीं की है । हमारे कुछ भाइयों ने कहा कि प्रदेशों में भी पब्लिक सर्विस कमीशन भर्ती करते हैं । वहां जिला हेड क्वार्टर्स में कलेक्टर्स के द्वारा भी भर्ती होती है । मैं नहीं जानता कि इसमें क्या प्रगतिमूलकता है ? यह तो व्यावहारिकता का सवाल है । यह एक व्यावहारिक बात है ।

मान्यवर, अगर इन बैंकों को जनता के काम का माध्यम बनाना है तो इनका विकेन्द्रीयकरण होना चाहिये, उनके प्रशासन का विकेन्द्रीयकरण होना चाहिये, भरती का विकेन्द्रीयकरण होना चाहिये । राष्ट्रीयकरण स्वयं में बड़ी भारी और शानदार बात नहीं है । उसके कुछ कार्य होते हैं उसके मुताबिक राष्ट्रीयकरण होता है । प्रगतिशीलता की बात अभी माननीय पंडित कमलापति त्रिपाठी जी कर रहे थे । वे जिस सूबे के मुख्य मंत्री थे, वहां क्रेडिट डिपाजिट रेशो 40 परसेंट था । उनको उन्हें कोई चिन्ता नहीं थी । मैं इस सरकार को साधुवाद देना चाहता हूं कि उसने पहली दफा मिनिमम सात परसेंट क्रेडिट डिपाजिट रेशो फिक्स किया है । इस देश में ऐसे भी हिस्से हैं जहां 30—35 परसेंट है । असली काम पर जोर नहीं है ।

वीकर सैक्शन के लिए आज पहली दफा इस सरकार ने स्ट्रक्चर को रीशेप किया है । वर्तमान सरकार ने इस बात की सीलिंग कर दी है कि यह साढ़े दस परसेंट से अधिक नहीं होगा । वीकर सेक्शन, नेगलेक्टेड सेक्शन रूरल एरियाज में, खेती में काम करने वाले ट्यूबवैल्स, पंपिंग सेट्स, पोल्ट्री और एनीमल हस्बेंड्री में इन्ट्रेस्ट नहीं लिया जाएगा। यह सब काम थे, वह काम तो नहीं हुये । लेकिन प्रगतिशील एक शब्द है जिसका जामा पहन कर हमारे सी० पी० आई० के भाई उसकी प्रमाणिकता देते थे यह सर्टिफिकेट देते थे कि प्रगतिशील हैं और इसके बाद इनकी मोहर लगा कर शासन करते थे । अब तो मोहर लगाने वाले कहीं दूसरी जगह चले गये, और मोहर लगवाने वाले भी अलग हट गये, आजकल उनके ताल्लुकात खराब हो गये हैं, पहले कुछ नाजायज ताल्लुकात थे, लेकिन अब फर्क पड़ गया, आपस में झंझट हो गया । सीधे से एक प्रशासनिक एक रूटीन भर्ती करने के विधि के मामले में प्रगतिशीलता, आर्थिक कार्यक्रम और मोनोपली यह सारी बातें डाल दीं ।

माननीय पाई साहब ने ठीक कहा कि कमीशन ने सुझाव दिये थे । क्या सुझाव दिये थे । बुद्धि की बात है । दफ्तर का बाबू अगर भर्ती होगा सारे देश के लिये दिल्ली में आ कर तो हो सकता है कि पंजाब और दिल्ली के आदमी भर्ती हो जायें जिनको तमिलनाडु और केरल में जा कर लोगों से बात करने में दिक्कत हो । फिर बैंकों में क्लर्क अफसर भी होते हैं । क्यों इस बात को बर्दाश्त करने के लिये तैयार नहीं हैं हमारे प्रगतिशील कांग्रेस के भाई, उसमें एक अप्रगतिशील कांग्रेस है, मार्क्सेसी अपने को नहीं लेकिन प्रगतिशील है, कि अब भर्तियों में गांवों के लोग भी आयम ।

विकेन्द्रीकरण होगा तो सड़क का आदमी भी बैंकों की सर्विस में आयेगा। कुछ खास तबके के, कुछ खास लोगों तक ही यह बात सीमित रहने वाली नहीं है। जब सारी सरकार की कल्पना फैडरल है, संविधान हमारा फैडरल है, तब इस फैडरल ढांचे में क्यों केन्द्रीयकरण के लिये इतने व्यग्र हैं? क्यों नहीं उसका बिहेवियर भी फैडरल होने देते? और हम लोग, हमारी पार्टी विकेन्द्रीकरण से वैडेड है इसलिये शासन के प्रत्येक क्षेत्र में विकेन्द्रीकरण करना होगा। हमारे लिये बहुत बुनियादी सिद्धान्त का मामला भी है। इसलिये इस मामले को यहां तक लाने की जरूरत पड़ी। मैं वित्त मंत्री से कहूंगा कि विकेन्द्रीकरण के ढांचे का अधिक विकेन्द्रीकरण करें। सिर्फ मद्रास, बंगलौर आदि जगहों तक ही नहीं बल्कि और प्रदेशों में भी करें। पब्लिक सर्विस कमीशन एक सफ़ेद हाथी होगा, यह एक बड़ा लम्बा सा ढांचा होगा, उसमें कभी-कभी तीन साल लग जायेंगे लोगों की भर्ती करने में। मुझे मालूम है कि यूनियन पब्लिक सर्विस कमीशन में दो, तीन साल से दर्खास्तें पड़ी हुई हैं, स्टेट पब्लिक सर्विस कमीशन्स में भी यही हाल है, लोगों की भर्ती नहीं होती हैं और उसकी वजह से काम रुकता है। बैंको का काम तो कमर्शियल ढंग का है। अगर उसको ब्यूरोक्रैटिक ढंग से करने का प्रयास किया गया तो हमारे सारे ओबजेक्टिव मार खा जायेंगे। सबसे बड़ी बात है उनकी अटोनामी की। अटोनामी के साथ डीसेन्ट्रीलाइजेशन और एक प्रकार का जसा हमारे वित्त मंत्री ने कहा एक यूनिफ़ौर्मिटी होनी चाहिये पूरे देश में, गाइड लाइन होनी चाहिये कि इस प्रकार के लोग भर्ती किये जायें और वह काम करें।

मान्यवर, अभी हमारे देश में बहुत प्रकार की भाषायें हैं जिनकी संख्या सरकारी कागजात के लिये भी निश्चित करना मुश्किल है। क्षेत्रीय भाषायें हैं, क्षेत्रीय अपनी-अपनी रगुलेरिटीज हैं, अपना-अपना काम करने का तरीका अलग है। अब दिल्ली में कमीशन रख कर कुछ कालेज के आये हुए लड़के भर्ती कर लीजिये, और आगे चल कर वही बैंक के अफ़सर हो जायेंगे, तो विभिन्न क्षेत्रों में जा कर उनके लिये लोगों से सम्पर्क कर पाना असम्भव हो जायेगा। सही बात यह है कि इतना सेन्ट्रेलाइज्ड बैंकिंग सर्विस कमीशन को बनाने का एकमात्र उद्देश्य था, जबकि बैंकों का एक्सपेंशन हो रहा है, कि भर्ती करने के सारे यंत्र को किसी खास आदमी या काकस के हाथ में रखा जाय। और अब जब पावर में नहीं हैं तो क्यों चिन्ता है आपको। मैं कांग्रेस (आई) के मित्रों से कहूंगा कि इस समय आप पावर में नहीं हैं इसलिये अब किस काकस के लिये बेताब हैं? अब तो अपनी झेंप मिटा रहे हैं। अब तो आपको कह देना चाहिये कि ले जाओ। और कांग्रेस (आर) के भाई, बेकार परेशान हैं। इनको प्रोग्रेसिव श्री भूपेश गुप्त ने मान लिया है, लेकिन अभी देवी जी ने नहीं माना है प्रोग्रेसिव। इसलिये बिना उनके सर्टिफिकेट के आपका कल्याण नहीं होने वाला है। इसलिये जरूर कांग्रेस (आई) के लोग आपको खींच ले जायेंगे। इसलिये इस मामले पर सोचिये कि भर्ती करने के मैथड में गतिशीलता और डीनेशीलाइजेशन कहां आता है? एक व्यावहारिक बात आती है।

मान्यवर, मैं कहना चाहता हूं एक अत्यंत व्यावहारिक पक्ष है इसका विकेन्द्रीकरण होना चाहिये। इसमें कुछ और सुझाव हों तो सरकार को देने चाहियें ताकि जो भी सरकार इस काम को चलाना चाहती है उसको चला सके। मैं समझता हूं कि रिजिड कायदे-कानूनों में बंध कर ब्यूरोक्रेसी के काम करने के पुराने तरीके को, इम्पीरियलिस्टिक सिस्टम को, परपेचुएट करने में कोई खास दिलचस्पी नहीं होनी चाहिए। जिस मुल्क की डेवेलपिंग इकानोमी, बढ़ती हुई अर्थ-व्यवस्था, हो उस में "बाबावाक्यं प्रमाणम" के अनुसार काम करने की आवश्यकत नहीं है। हमें व्यावहारिक और उपयोगितावादी पहलू, यूटेलिटेरियन एसपेक्ट, को दृष्टि में रखना चाहिए और इस बात की भी व्यवस्था करनी चाहिए कि समाज के नीचे के लोगों को भी सुविधाएं उपलब्ध हो सकें और सुविधाएं सारे समाज में समान रूप से वितरित हो सकें। अगर इस उद्देश्य से कोई सरकारी कार्यवाही की जाए, तो उस का समर्थन करना चाहिए।

मैं माननीय सदस्य, श्री टी० ए० पाई, की इस बात से समहत हूं कि इस काम को एक्ट में बांधने से कोई फ्लैक्सिबिलिटी नहीं रहती है, जबकि फ्लैक्सिबिलिटी को रखना बहुत आवश्यक है। उन्होंने कहा कि इसके लिए जिस क्वालिफिकेशन की जरूरत है, वह कामनसेन्स है। इसलिए अपने आबजेक्टिव को ध्यान में रख कर नारों के चक्कर में न पड़ कर हमें इस मामले में एकमत होना चाहिए और बैंकों में नियुक्तियों के कार्य को डीसैंट्रलाज करना चाहिए। इस से कोई नुकसान नहीं होगा। हां, जो एक तबका नौकरियों को अपनी मानोपाली समझता है, उस की कुछ क्षति होगी उस क्षति को बर्दाश्त करना चाहिए और इस विधेयक को पास करना चाहिए।

SHRI P. RAMAMURTI (Tamil Nadu): Mr. Deputy Speaker, Sir, when the Leader of the Opposition, Mr. Kamlapati Tripathi, was speaking, I had expected that he would go into the merits of this Bill. As a responsible Member, as a senior Member and a senior parliamentarian I had expected that he would go into the merits of the Bill. But he started with the word ('pratikriyavadi', reactionary.

[Shri R. Ramamurti]

I do not know if you understand what is meant by 'reactionary'. I would like to remind him that 'reactionary' means, in our conditions, anything that supports the growth of monopoly houses in this country, anything that supports the growth of concentration of wealth in the hands of a few is reactionary. I would have been glad if he has shown that in this Bill there are certain provisions which actually help the growth of concentration of wealth in the hands of monopolists and other things. But he did nothing of that type. Instead of doing that, he began talking of nationalisation of banks and he began singing praises of that. I may tell him, and I may tell the Congress (I) Members and I may tell the entire House that if there is anything in this House brought by this Government which is going to help the monopolists and other people, our Party will be standing firm in firm and irreconcileable opposition to it, whatever might by the consequences of it. Therefore, finding nothing to say, Mr. Tripathi was singing paeans of praise about that wonderful nationalisation. I may also remind him that when the question of privy purses abolition came and when the Constitutional amendment as being debated in Parliament, it was I who suggested that there was no need of amending the Constitution and under the existing provisions of the Constitution itself the privy purses can be abolished, and ultimately they had to resort to it. Therefore, let him not think that those people who do not agree with him are in any way reactionary. On the other hand, some of us are really progressive and they are the people who are really reactionary because the proof of the pudding is in the eating. What happened after nationalisation all these years? The biggest concentration of wealth in the hands of the monopolists has grown during the years after nationalisation of banks has taken place in the country. Nobody can deny this. The figures published by the Government of India itself is proof positive that today the biggest concentration of wealth in the hands of the monopolists has grown after nationalisation. Shrimati Indira Gandhi to whom I submitted, at her own instance, a scheme for utilising this banking for the purpose of helping the growth of the smaller people, rejected that note. Therefore, let us not now go into that question.

As far as my friend, Mr. Pai, is concerned, I admire him. He made very good suggestions. He neither opposed this Bill nor supported this Bill. Neither did he sing paeans of praise in regard to the past amendment, nor did he support that. And he made very good suggestions. But what I am afraid of is that all those suggestions which Mr. Pai had made, are not possible within the present framework of the socio-economic system in which we are living. 2-1/2 lakhs of applications will come for 2,000 jobs. It will come for years to come, as long as we have got the present form of society, the society in which we live.

We are not considering that question just now. Given this framework, if banks' recruitment is to be done, how is it to be done, and by whom? This is the simple proposition that is put forward, and that is what we are debating in this Bill. Let us not go in outside the scope of this Bill, and let us not conjure up all sorts of ghosts, that this is de-nationalization—this, that and all that. Ghosts exists in ghosts' world, ghosts do not exist in the real world.

As far as this Bill is concerned. the previous Bill concentrated on the recruitment of people. Certainly it took away recruitment from the hands of the banks' management. To that extent, it was a correct thing. But it concentrated on recruitment of personnel, of certain personnel, not even all personnel, it concentrated the recruitment of certain personnel in the hands of one Central Commission. How would it have been possible for that one Central Commission to record recruit people all over the country—clerks in so many banks and in so many branches, passes my understanding. How could justice have been done, passes my understanding. Therefore, it certainly requires a certain amount of de-centralization. I would certainly desire and I do want to impress upon the Minister and the Government, that the appointment of a decentralized board—or whatever you might call it—by the banks concerned in that area, is no good.

As far as the appointment of boards is concerned, there must be specific rules laid down, that a certain percentage in every category—whether it be in the cadre of clerks or in the category of junior officers—a certain percentage must be reserved for Harijans and weaker sections of the community. It must be statutorily laid down. If you give directions, and if directions are ignored by the officials you cannot do anything about it. And they will give explanation for that. There must be certain statutory provisions for that and I would urge upon that.

Secondly, I would also wish that the constitution of these statutory boards must be taken outside the purview of the management of these banks and placed in the hands of both the Central and State Governments concerned. The latter must be consulted in the matter. They must have a say in the matter, and certain public bodies like trade unions and consuming public must also be consulted, and on that basis, really independent people should be placed therein, for the purpose of recruitment. Otherwise, whatever might be done, some nepotism and favouritism and all these things are bound to creep in by so many ways. Therefore, *per se* on the face of it, to say there is nothing wrong in saying that the entire thing should not be concentrated in one Central Commission. On the other hand, it has certain merits about it. I am not quite sure whether it would succeed. It may be an experiment. Whether this experiment is going to succeed, I am not certainly quite sure. For that, many more things have got to be done, i.e. in order to see that these things succeed.

I would like to have a discussion on that, and I would like the Prime Minister and the Gonvernment to initiate a discussion. Let us discuss this question without any political overtones. Let us discuss this question on its merits, in the interests of the people concerned, and in the interests of the people in the various regions concerned, and on that basis, let us evolve a scheme of recuritment, not only for the junior officers, but even for the higher officers.

Something has got to be done. Nepotism comes not only in recruitment, it comes in the matter of promotion and in other ways also. Therefore, in all these things we should try to eliminate nepotism and favouritism as much as possible. And for that purpose, therefore, let us not import any overtones while discussing a subject which concerns jobs for hundreds of thousands of people in this country. And let us not look upon this problem with these political overtones and under-tones. It is from this point of view that our party has decided to support this Bill, and not oppose this Bill, because there is the merit of a certain amount of decentralization as far as this Bill is concerned.

SOME HON. MEMBERS: Shame, shame.

(*Interruptions*)

SHRI P. RAMAMURTI: I will answer why. You need not shout. I am not yielding.... (*Interruptions*) I am not yielding. Shouting is not an answer or solution to problems.... (*Interruptions*) I am arguing the point. You have not the courage to argue. Merely shouting does not answer the cogent points .... (*Interruptions*) I want to point out why it is that there is delay.

[Shri P. Ramamurti]

I want to point out.. (*Interruptions*) I am not yielding. Please sit down.

I want to ask the Government why they took such a long time to bring this Bill about the abolition of the Banking Commission. The simple reason is that they wanted to have their own people. They had selected those people. Those people were in service and they were waiting for their retirement in order to bring this Bill. Otherwise, what stood in the way for two years in not implementing this decision? Therefore, we know all these things. Do not go on shouting at us. I am not a person who is given to shouting.... (*Interruptions*) The shouting only shows that you are not prepared to argue with me. So, do not shout at me.

Therefore, I conclude by commending this Bill, which is not very bad, for the acceptance of the House.

THE MINISTER OF INDUSTRY (SHRI GEORGE FERNANDES): Mr. Deputy-Speaker, Sir, the opposition to this Bill, which has emanated from some sections of the House, is something that cannot be understood

एक माननीय सदस्य: हिन्दी में बोलिए।

श्री जार्ज फर्नान्डिस: उपाध्यक्ष जी, इस विधेयक का जो विरोध सदन के कुछ सदस्यों की ओर से हुआ है उसको समझने में काफी मुश्किल हो रही है क्योंकि विधेयक बहुत ही सादा और सरल है। यहां पर कुछ ऐसे शब्दों का प्रयोग किया गया जिनका इस विधेयक से न कोई सम्बन्ध होना चाहिए था न उनकी कोई जरूरत थी। राज्य सभा में विरोधी दल के नेता, हमारे सब के मित्र और बुजुर्ग, पं० कमलापति त्रिपाठी जी ने यहां पर कुछ ऐसे शब्दों का प्रयोग किया—प्रतिक्रियावादी इत्यादि —वह पिछले खास तौर पर 10–11 वर्षों में इस देश में शब्दों को कुछ दूसरा अर्थ देने का सिलसिला चला था, उसके साथ मिलाने वाला है। इस विधेयक में क्या उनको दिखाई दिया जो प्रतिक्रियावादी है–यह उन्होंने नहीं कहा। एक सादा विधेयक, केन्द्रीयकृत ढंग से साल में लगभग बीस हजार कर्मचारी, वह भी कारकुन बाबू और लगभग 1500 अफसरों की भर्ती करने का आपका पुराना कानून था, अब अगर वह कानून बहुत प्रोग्रेसिव कानून था जिसको आज हम पीछे की ओर ले जाने का काम कर रहे हैं, उसमें प्रतिक्रियावाद ला रहे हैं तो उसकी सफाई होनी चाहिए थी कि क्या उस कानून में प्रोग्रेसिव चीजें हैं—इस चीज को यहां पर पंडित जी बतलाते या उनके दल के कोई और सदस्य बतलाते जोकि यहां पर बोलेंगे। 1972 में बैंक-कमीशन निर्णय देता है कि लोगों की भरती के लिए एक केन्द्रीय कमीशन बनाया जाए, उस के बाद एक साल तक आप की सरकार उस पर बैठी रहती है। अगर वह फैसला इतना प्रोग्रेसिव था, तो उस पर एक साल तक चुप क्यों बैठे रहे। उसके बाद यह तय होता है कि यह सिफारिश अच्छी नहीं है, यह जो पहले का फैसला है, अच्छा नहीं है। उसके बाद आपकी कैबिनेट इस निर्णय पर पहुंचती है कि कुछ क्षेत्रों में, कुछ अफसरों को, उसमें भी स्टेट बैंक आफ इण्डिया को अलग कर के, भरती करने के लिए कमीशन बनाया जाए। लेकिन इस फैसले पर भी कोई कार्यवाही नहीं होती। जून, 1974 में आप की कैबिनट फिर इस पर विचार करती है और कहती है कि जो पहले का विचार था, वह गलत था, इस में सब को शामिल करना चाहिए। जून, 1974 में फैसला करने के बाद 1975 के अगस्त महीने की ता० 17 तक फिर उस पर सो जाती है—अगस्त, 1975 में यह कानून आता है, जो एमर्जेंसी का पहला महीना था और इस कानून को आप पास करवाते हैं। कानून पास होने के बाद फिर 1977 के फरवरी महीने की ता० 21 के सुबह 11 बजे तक आप बैठे रहते हैं। हालांकि वे एमरजेन्सी के दिन थे, जिन में आप के मुताबिक धड़ाधड़ काम हो रहे थे, राष्ट्र को एक नई दिशा की तरफ ले जाने का काम हो रहा था। 17 अगस्त, 1975 को दोनों सदनों में उस कानून को पास किया, लेकिन उस पर अमल शुरू हुआ 21 फरवरी, 1977 को और वह भी किस तरह से—7 या 9 लोगों का कमीशन बनना था, लेकिन आप ने एक रिटायर्ड आई०सी०एस० अफसर को, जो शायद आप के ख्याल से प्रोग्रेसिव सोशलिस्ट अफसर था, भरती किया, अन्य लोगों को भरती नहीं किया... (व्यवधान)...

A retired ICS progressive, socialist officer was appointed. But where is your commission? I would like to ask those who are opposing this Bill and praising the earlier Bill as one of the most progressive measures that these gentlemen had enacted in this Parliament: where is that Commission? You enacted the law in August, 1975. On 21st February, 1977—the hon. Leader of the Opposition is listening very intently to me—you appointed a retired ICS gentleman, the last of the ICS gentlemen in service who strengthened the might and backbone and what have you of the British Empire. You appoint the last of these gentleman as the Chairman of the Service Commission. (*Interruptions*) I am not yielding.

SHRI C. M. STEPHEN (Idukki): Who is the presiding deity of the Prime Minister's Secretariat? Is he not an ICS?

MR. DEPUTY-SPEAKER: He is not yielding.

SHRI GEORGE FERNANDES: I know it hurts. Truth always hurts those who are not accustomed to speaking the truth or living by the truth or following the truth.

There are nine Members in this Commission, but you do not appoint a single Member, but you appoint only the Chairman on 21st February ,1977, and thereafter this Commission has been in hybernation, has not been able to do anything for the reason that there was a change in the Government, the people of the country decided otherwise. We took a certain decision, but the point I am making in reply to the Leader of the Opposition in the Rajya Sabha is this, that there was nothing so very progressive in what you have enacted to set up a recruiting commission for the bank employees, where you had centralised powers. 20,000 employees whose strength would go up to 40,000 in the next five years, have to be recruited every year. My friend, my predecessor in the Industry Ministry, the hon. Mr. T. A. Pai has mentioned that for 2,000 posts, you have 2.5 lakh applications. Multiply that by ten. Your commission is supposed to recruit 20,000 people every year and for 20,000 posts you will have 25 lakh applications and you are supposed to do all that sitting in Delhi with a Commission of 9. This is progressivism. What did we decide? we said, decentralise them. We do not want a centralised commission. We want decentralised recruiting, bodies. Group the banks together, spread them across the country, decentralise them. That is what we decided. (*Interruptions*)

14.56 hrs.

[MR. SPEAKER *in the Chair*].

This is supposed to be reactionary in the words of the hon. Leader of the Opposition, Pandit Kamlapati Tripathi. So, in the last ten years of the dynamic decade, words has ceased to have their meaning, values had been distorted. And this is the hangover of those ten years that something that is now being decentralised is considered as reactionary and centralisation is considered as progressive. Appointment of 9 men of integrity in the public life of this country or in the public service of this country, to 9 different commissions is considered as reactionary and appointment of the steel service of the British Raj, a retired ICS official is considered as progressive. (*Interruptions*).

Mr. Speaker, Sir, a charge is made by the hon. Leader of the Opposition in the Rajya Sabha that we are now trying to go back on nationalisation. An attack was made on my Prime Minister. It was suggested that in 1969 he opposed the nationalisation of banks. I do not know whether the Prime Minister is going to intervene in this debate. But Goebbels was reborn in this country in 1969. He operated in a very big way and he still operates. Mr. Morarji Desai, the Prime Minister of India, in 1969 did not oppose the nationalisation of banks. Let me tell all those great exponents of socialism in this country who believe that nationlising a couple of undertakings and then playing to the tune of monopoly houses is socialism, that in 1948 when all the so-called big socialists of this country belonging to the ruling party of those days were opposed to nationalisation and when state transport in this country had to be nationalised, there was one man who stood like a rock and prevented vested interests from coming in the way of nationalising road transport industry in Bombay State. And that man's name is Mr. Morarji Desai, who is the Prime Minister of India today. You can go to Maharashtra and Gujarat and talk to the roads transport workers—do not talk to the Birlas—they will tell you this with

[Shri George Fernandes]

gratitude in their eyes, that but for a man like Morarji Desai, the road transport corporation of Maharashtra and of Gujarat would not have come into existence in 1948. If they use Goebbelsian tactics and denigrate such a person like that—this has been tried in the country for years; it is a pity that they are not able to come out of that situation—we have to stop that.

15 hrs.

Then, Mr. Kamlapati Tripathi said that we are trying to undo what they did through bank nationalisation. With all sense of responsibility, I want to say in this House that we are trying to undo what they have done. We shall try to undo what they have done. I will tell you what they have done. (*Interruptions*) You must have patience to listen to me. I assure you that we will undo all that. Between 1969 and 1975, while I respect the Leader of the Opposition in the Rajya Sabha, he has been saying that monopoly houses will not be welcome. But the contrary is true. Between 1969 and 1975, within five years, you know what their great progressivism did. After sending out Mr. Morarji Desai, after they set up their own Congress and carried on their progressive measures in the country, within a span of five years, the assets of 20 monopoly houses in this country increased from Rs. 2,500 crores to Rs. 4500 crores. We shall undo this. I promise you that. (*Interruptions*) we will undo all this. No amount of opposition is going to prevent us from undoing that. Mr. Kamlapati Tripathi expressed his very great concern that we are undoing it. We shall undo it.

We propose to take money to the rural areas. I would like to point out to Mr. P. Ramamurthi that there is an ideological justification also for this Bill. I want to quote their own statistics. Upto March, 1977, they collected money in the rural areas, from the poorest of the poor in the country, and they brought all the money to the urban areas, Delhi, Bombay, Calcutta, Bangalore, Hyderabad, Madras and other big cities. That is where all the money collected from the poorest of the poor in the country has gone. I wish Mr. T. A. Pai had spoken on this aspect. Apart from being an administrator he is also a former banker. I wish he had said something about it.

Recently, I was in north Bihar. In north Bihar, there are 15 districts. I want the hon. Members particularly from Bihar to remember this. Today, they have to decide which way to vote, whether for the Bill or against the Bill. Perhaps, there is an order as to how to vote. After all, there is a party here which is dictated by one person. It may be an order for them. But before they decide to act on the order of one person, I would like them to think. There are 15 districts in north Bihar.

15 जिले हैं। इन 15 जिलों में जो बैंक की तरफ से रुपया जुटाने का काम होता है, वहां के बहुत गरीब लोगों से जुटाने का काम होता है, उसकी 25 फीसदी रकम उन जिलों के विकास के लिए खर्च नहीं की जाती है। 75 प्रतिशत से अधिक रकम बम्बई, दिल्ली और कलकत्ता जैसे बड़े शहरों के विकास के लिए, खर्च करने के लिए ले आयी जाती है। कहा जाता था कि हम बदल ला रहे हैं। अगर और सबूत चाहिए तो मैं सबूत देता हूं। मैं दो-तीन राज्यों के आंकड़े देकर बताता हूं, और राज्यों के भी लाये जा सकते हैं। मेरी उन सदस्यों से खास तौर से प्रार्थना है जिनको समाजवाद से मतलब है, जिनको ग्राम विकास से मतलब है, जिनको इस बात से मतलब है कि पिछले दस सालों में समाजवाद को इस देश में आगे ले जाया गया या पीछे ले जाया गया, उनसे मेरी प्रार्थना है कि मेहरबानी कर के देख लीजिए कि दस साल पहले 20 घरानों की पूंजी जहां ढाई हजार करोड़ रुपए थी, वह पिछले पांच वर्षों से साढ़े चार हजार करोड़ रुपए हो गई। यह इस सरकार के आने से पहले पहुंच गई थी। ये आंकड़े आप देख लीजिए।

Mr. Speaker, Sir, one of the most backward States in this country is Tripura. The total deposits in Tripura for the year ending March 1977 were Rs. 16 crores and the advances were Rs. 4 crores. My comrades from Tripura will think over it. Orissa is one of our most backward States. The total deposit was Rs. 150 crores and the bank credit was Rs. 91 crores. As far as Madhya Pradesh is concerned, it is not an industrial State; it is a poor State. It is a State inhabited by poor people adivasis and Harijans. The total deposits in Madhya Pradesh were Rs. 505 crores and the credit was Rs. 261 crores. In Bihar, the total deposits were Rs. 756 crores and the total credit was Rs. 303 crores.

(*Interruptions*)

उत्तर प्रदेश को आप लें। वहां कुल डिपाजिट्स 1445 करोड़ के थे लेकिन उत्तर प्रदेश के विकास के लिए उसमें से पैसा लगा सिर्फ 690 करोड़। बाकी पैसा कहां गया यह भी मैं आपको बता देता हूं। दिल्ली में टोटल डिपाजिट्स रहे 1420 करोड़ और दिल्ली में कुल पूंजी क्रेडिट के रूप में दे दी 2100 करोड़। चंडीगढ़ में डिपाजिट्स रहे 97 करोड़ और क्रेडिट दिया गया 279 करोड़ का। बम्बई का हिसाब मेरे पास इस समय नहीं है। लेकिन वहां भी कई गुना ज्यादा दिया गया होगा। मैं पंडित जी से कहना चाहता हूं, पंडित जी इसको हम बदल रहे हैं। अगर आपको लगता हो कि इन चीजों को बदल कर बीस परिवारों से हटा कर देश के लाखों परिवारों के पास पैसा ले जाना है और जो हमारी उद्योग नीति चलने लगी है गांव गांव में पैसा ले जाने की और बड़े शहरों में जो पूंजी केन्द्रित है उसको गांव गांव में पहुंचा देने की यह दकियानसीपन है और इसको हम बदलने का काम करते हैं तो इस पर हमें गर्व है, इसको हम करेंगे, सुन्दर ढंग से करेंगे।

I have taken more than my time. I am grateful to you and to the House. But I have only one final submission to make. Let us not be carried away by the old slogans of progressivism and reactionaryism. It is reactionaryism; it is very backward looking.

श्री जगजीवन राम जी जब बनारस में डा० सम्पूर्णानन्द की मूर्ति का अनावरण करने गए तो उसके बाद उस मूर्ति को गंगा जल से धोने का काम किया जाए क्या यह दकियानूसीपन है या यह दकियानूसीपन है कि लोगों से बराबरी का बर्ताव किया जाए? क्या यह प्रोग्रेसिविज्म है या वह प्रोग्रेसिविज्म है, यह मैं आपसे पूछना चाहता हूं। मैं चाहता हूं कि आप इन बातों को ध्यान में रखकर इसका समर्थन या विरोध करें। मैं राममूर्ति जी से कहना चाहता हूं कि जिस आइडियलिज्म की बात वह करते हैं उसको लेकर वह इसका समर्थन करें।

इन शब्दों के साथ अध्यक्ष महोदय मैं आपको बहुत धन्यवाद देता हूं।

SHRI A. BALA PAJANOR (Pondicherry): Mr. Speaker, Sir, I thank you on behalf of All India ADMK for giving me this opportunity to participate in the Joint Sitting which looks more or less like a public meeting. I am not making this comment with any aspersion on this Joint Sitting, but I cannot claim that I was a Member of the Constituent Assembly in 1963 when in those historical days, as has been explained by some of us, they had the privilege of witnessing that House. But I am sure—this is on record—in the history of this country, in the year 1978, this Joint Sitting will be an historic session. But as far as this Joint Sitting is concerned, I will not say that repealing of this legislation is historic. This occasion is a historical occasion. I find from the statistics that it was in 1947 that the Constituent Assembly met here. Then in 1963, after a period of 15 years, you had a joint sitting of both the Houses. Now, after a period of 15 years, we are having another joint sitting today. I wish that the next joint sitting be held after 15 years—not anything in between—for this very simple reason. All those Members who spoke earlier spoke for an 'ism'—'reaction-ism' or 'progressive-ism'.—and hon. Minister, Shri George Fernandes, spoke for both. I am not for any 'ism'; I am always for practical and pragmatic things. Let there not be another joint sitting for the next 15 years for the simple reason that I do not want to raise any point of order, I do not want to spend—I do not want to say 'waste'—one hour on that....

MR. SPEAKER: One and a half hours.

SHRI A. BALA PAJANOR: ....one and a half hours in raising point of order and placing our hon. Speaker in a very embarrassing and delicate position to give his decision on this issue. The whole world—people from the press gallery and also other people—is watching this historic occasion, this matter being taken up

[Shri A. Bala Pajanor]

in this august House. Though I have been a Member for two terms, I had not seen before what has been written in this Hall.

It was in this Hall that the Constituent Assembly met and framed the Constitution of our country. It is said here, 'We are going to help the people'. I am afraid I cannot claim like Shri Kamlapati Tripathi or Shri Hari Vishnu Kamath, who were members of the Constituent Assembly, who framed the Constitution and presented it to this country. But I can only say this. We, the younger generation, irrespective of party affiliations, whether we belong to Cong-I or Cong-O or CPI or CPM or All India Anna DMK or Janata, we, the younger generation, want the greatest and the oldest people—excuse me for using this term—to give us something that the people of this country really want. I do not see any necessity or urgency at the moment to call a joint sitting to repeal a measure like this.

But I want to be very plain in the beginning itself. My Leader and the present Chief Minister of Tamil Nadu, Sir M. G. Ramachandran, supports this Government on this issue for this very simple reason. As I said in the very beginning, we are not for any 'ism', we do not believe in 'isms'. We are not for any kind of slogans. Let them also not be carried away by the slogans. As I said, we are not for slogans. We are plain. Let this Government continue for the rest of the term for which the people of this country, who are the sovereign masters of this country, have voted them to power. But, of course, it is left to those people who are administering it.

I do not think that, by repealing this Banking Service Commission Act, they are going to do great wonders in this country. But we are with them at this critical juncture. As I said earlier, it is a historical occasion; after 1963, that is, after a period of 15 years, we are having this joint sitting of both the Houses. The previous joint sitting was on the question of dowry, a question which was affecting the sentiments of the people. People stuck on to the dowry system, and it was to be abolished. That was the occasion when there was a joint sitting of both the Houses.

Now, we are meeting here to repeal the Banking Service Commission Act. What I have not understood is, what was it that was not given in the Statement of Objects and Reasons then and which is sought to be done now. Fortunately or unfortunately, I had the privilege of taking part in the discussion of the very same Bill in 1975 when I was a member of the Lok Sabha—in the last term. We supported that Bill at that time. Now we are supporting the measure to repeal it. That is the tragedy in this country. I can see that the Congress Members here are jubilantly shouting at this. Let them not force me to trace back. I can explain this to them. We supported them on every issue in the past. But what happened to this country? We supported them in all their plans and programmes, but what happened in this country? We were expecting that the common man would benefit out of these. But what happened? Therefore, do not shout like this. We, Members of Parliament, numbering 740 or so, claim to be the top representatives of the 62 crores of people, but we are shouting like—I do not want to name; I do not want to use any term here. This looks like a public meeting. It does not look like a joint sitting of two Houses of Parliament where we exchange our views. It is like a public meeting. Therefore, I would ask my friends not to shout like this. If they have any argument, let them come and present it. We supported you not for one or two years but, starting from the days of Jawaharlal Nehru, for 30 long years. I have seen Morarji Desai there also. He was Minister for some time but for some time he was sitting in the Opposition in the very same Lok Sabha. After a spell of ten or eight years he has come back under a different name, the name of 'Janata'. 'Janata' means 'people'.

As I said in the beginning itself, I am not for any 'isms' or Party names or terminology. We unfortunately feel—in the south—that we cannot come to the top of the Opposition because of the lacunae that there is in the constitutional system and in the very functioning of this country's administration. It was said in the past that only U.P.—walas can become Prime Minister of this country. That has been disproved by Shri Morarji Desai who is from Gujarat. It is a *fait accompli*: it is matter of fact which you and I cannot deny.

We sit in the Central Hall and take a cup of coffee and ice-cream together, but we have lobbies in the House. We have partisan issues. We tickle one another and we also dig the grave of one another in the very same House.

I remember, when I came here as a visitor, how the young turks were trying to pave the way for Mrs. Gandhi to come to power. As young men with a lot of feeling, we supported it with the great hope that Mrs. Gandhi will do something great for this country. I do not say that Mrs. Gandhi did nothing: I do not say that Mrs. Gandhi's performance was zero. I remember that immediately after elections, with the great guts and the courage given by my great leader Anna and the present leader MGR I said you cannot underestimate the advantages and merits of Emergency. One is discipline. I am sure Shri Morarji Desai, the present Prime Minister and others are also feeling it: I know that the Speaker is also feeling it, and that the same feeling is there in the other House. At times I used to feel that the elder House is full of young people and the younger House is full of old people. I do not say that old people have old ideas. They have beautiful ideas. But at this juncture I would say that we support this Banking Commission repeal for the simple reason that these people have come out with promises—I am referring to the Janata party. I am not bothered about the composition of the Janata Party. Whether they belong to five parties or six parties, it is a fact known to the world that the Janata is ruling this country for the past 13 months. They have done something and that something is liberty—which the Congress people cannot forget. May I ask the leader of my brethern in both the Houses what was our fate in the past 19 months. I have great regard for the ex-Prime Minister of this country, but there are facts which you and I canot deny. Is it not a fact that when we sat here in the Central Hall, you told me that I cannot express myself freely in this House? Why do you forget it? Is it just because I belong to a small Party? Don't take it that way. We rule two States in this country: one is Tamil Nadu and the other is Pondicherry. If you play politics, we can also play better politics. I told the Central Ministers here: 'Don't touch my men. If you touch them we will touch you' and we have shown it. Such kind of politics Bala Pajanor can also play here. But now the time has come for us to rise above petty politics and petty feelings and petty arguments also. (I am sorry to say 'petty arguments'). I don't have double standards. I told you that from the beginning we supported you, for 30 long years without any reservations, on the question of language, on the question of economic policies, on the question of 20 point programme and on the question of the so-called five-point programme also. What happened to them? I am telling you the same thing now. When I say this, it is only a question of warning to them. We had supported you but we have seen and assessed you and found out what you are. Now a chance has been given to them, and they are coming with this Bill.

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As I said in the beginning, there is nothing historical about the Bill: there is nothing in it. They are going to repeal the Act with the simple idea of decentralisation. I can appreciate the Hon. Minister because it is not like George Fernandes coming and saying something against the ICS cadre and the ex-Chairman because, rightly or wrongly, the present Finance Minister is also from that cadre. (*Interruption*). I have to compliment Patelji on this issue because he is bold enough to come forward and say it. But I cannot see what those great statistics given by Shri George Fernandes and other arguments given by the ruling class have to do with the presentation of the Bill. When you repeal something, the other one also has to go with it. The ideologies within do not come out: we cannot see what is behind you and who is going to dig the grave of the other man even within yourselves. That is the reason I appeal to you and beg of you and ask you, on behalf of my Party, *i.e.* the Anna DMK, to come forward with concrete things. We had enough of 'isms' in this country, whichever Party was there in power. Let us not have that practice in this House. We support the ruling class at this juncture. We wish you, you rule another five years. When I say that, I want you to tell me, when you are going to bring a Constitution Amendment Bill for the repeal of the Forty-second amendment. You have five more years; do not make two more years. You have five more years as on date. In this period, you do it.

Our Party supports you on the question of this Bill with a great reservation and with a hope that you would come with an alternative Bill to supplement it. You have not done that. I request you to come forward with that as early as possible.

Before I close, I may say another thing. This opportunity of having a joint sitting of the two Houses is a unique one as I said in the very beginning. I request you, Mr. Speaker, to make it a point that whenever national issues are involved, you have a joint sitting of the two Houses. I am not talking of the rules and procedures. I am bored of these rules and procedures during the last twenty years of my practice in the courts. The Law Minister is aware of it. A person in Thiruvettaikudi, orat Kanya Kumari or in a village in Bihar is not interested in the rules and procedures, on which we waste so much time here. Let us go for important problems, let us talk of ideals and ideologies in the joint sittings of the two Houses and not consider here such a piece of legislation, which, according to me, has no value.

Sir, when we vote for this Bill today, we do that for a simple reason that we are supporting this Janata Government, because they have given liberty to this country after a period of nineteen months. And, it is a fact. But let us hope that that liberty is not only to speak, but that liberty is for our stomachs, for our clothes and for our shelters. Unless you give that to the people, our support is only upto the mike, not beyond that.

With these words, I conclude.

SHRI PRANAB MUKHERJEE (West Bengal): Mr. Speaker, Sir, when I was listening to the eloquence of our hon. Minister for Industry, I thought, perhaps I was listening to the speech of an eloquent speaker not in the joint sitting of the two Houses, but in a public meeting and more so, I was amazed when he was giving the break-up of banks investments in various areas and regions completely forgetting the break-up of bank advances to what extent, it serves the Government finances to planning etc. I only wish and I express it so, that whatever he has uttered so eloquently, let him remain in power and fulfil of what he has accused the previous Government of not having implemented and fulfilling that. May I remind him, through you, Sir, that when he was speaking so much of rural development, since the coming of his party into power, not a single regional rural bank has been established. Shri Morarka was taking pride in saying that 48 regional rural banks have been established, more than 12,000 branches were established—he was talking of the rural credit, rural development programme—may I humbly request him to turn the pages of his own Economic Survey and find out that not even a single regional rural bank has been established since this Government came to power. This is because the hon. Finance Minister has appointed a Committee to look into the functioning of the regional rural banks. Mr. George Fernandes is talking of the north-eastern region. Is he aware of the fact that because of the peculiar socio-economic problems of the North-Eastern Region banks are finding difficulties to advance, particularly, to the agricultural sector and in September 1976 a Committee was appointed by the Reserve Bank itself to sort out the problem and their report was before the government by April 1977. May I know what has been done to give effect to its recommendations to sort out the problem of the North-Eastern region? It is strange that a Minister intervening in the debate should allow his imagination to go to so high and speak such things which have absolutely no relevance. Is he in a position to tell this House and take it into confidence that he is in a position to enhance the credit-deposit ratio? Not to speak of enhancing the credit-deposit ratio, can he give us an indication whatever, if we go by their performance of the last one year, that he is in a position to do even a part of it? Therefore, you should not forget what we can speak and what we can do. After all they are to run the country and they are blessed with that responsibility.

He was talking of this Bill as a progressive measure of legislation. Instead of resorting to verbal eloquence, if he had just consulted the law which they are going to repeal, there he would have found out that it was not one Commission which was recruiting all the clerks and officers throughout the country. There were four Regional Boards and heavens would not have fallen if instead of repealing this piece of legislation, one single amendment could have been brought to the effect that instead of having four Regional Boards, you are going to have seven Regional Boards—one for the State Bank of India and six Boards for the rest of India. If you have done that, heavens would not have fallen. Therefore, it was not a fact that by this Bill you are going to repeal the power of recruitment concentrated only in one agency. There were four Regional Boards. You can make it five. You can make it six. You can make it even seven.

You are talking of the distortions in the existing level of economy. Are you aware of the fact that the scheme which you are going to implement will only perpetrate the distortions and discriminations which are prevailing in the recruitment in the banking sector? For the information of Mr. George Fernandes, I can provide him some information. According to the scheme they are going to introduce, both in the northern and central India, the recruitment will take place from the States of UP, Rajasthan, Madhya Pradesh, Himachal Pradesh, Punjab, Haryana and Jammu & Kashmir. The existing number of vacancies are only 14000. That means people applying from these regions are entitled to apply for only 14000 vacancies. The number of vacancies which will fall in the western front, that is, Bombay and Gujarat, is expected to be 44000. People belonging to two States will have the opportunity of applying, 44000 vacancies while people belonging to the central and northern India will have the

[Shri Pranab Mukherjee]

opportunity of applying for only 14000 vacancies. This is the progressive measure doing away the existing state of discrimination prevailing! Therefore, instead of resorting to high-sounding words, he should have concentrated his mind on the provisions of the Bill and what they are actually going to have. It is no question of having one ICS officer appointed as the Chairman of the Banking Services Commission. There too he is factually incorrect. The Minister is a knowledgeable person and he should have known that he is not an Indian Civil Service officer but he is only an IAS officer. That means he is neither here nor there. That too he is going to replace one administrative officer by another civil servant who was to leave the career under the cloud of Mundhra inquiry and the Chagla Commission.... (*Interruptions*) Therefore, it is of no use in passing on the responsibility and bringing facts which are not correct and which have no relevance.

Why do we oppose this legislation? We oppose this legislation for various reasons. If you have gone through the debate, the first ground is that we oppose this principle of legislation by ordinance because the reason which the Finance Minister gave at that time was that he was trying to save money when it was pointed out to him that by merely winding up the Banking Services Commission he would be saving Rs. 7000—8000. Then it was asked why should he resort to issuing an ordinance. You people day in and day out went on condemning the previous government for reserving to ordinances. But why are you yourself bringing this ordinance? Why could not you wait for some time more and bring forward a full fledged piece of legislation instead of resorting to ordinances. If you wanted to get rid of a particular man, what prevented Government from removing the particular man and appointing a new man? Nothing prevented the Government. Government had power to do it. Full Commission was not appointed. Government could appoint another type of people—extraordinary, outstanding personalities from outsiders, of whom they are contemplating and of whom they are talking of. This is not the fact; The fact is they wanted to give power to the existing Board of Directors of the Bank. And there too you objected. We wanted to have social control over the banking institutions. I would like that you should have social control over the banking institutions. After all you are accountable to the people through Parliament and we did not want that the Banking institutions which are going to recruit 20,000 people a year and which may go upto 40,000 over a period of years, nearly two to three thousand officers who are going to be recruited and who are to translate Government's action to reality, who are to implement Government's policy through the major primary institution, there should be some control of the Government. That is why it was suggested in the Bill itself that the Report of the Commission should be laid on the Table of the House. Heavens would not have fallen if they would have amended the Bill and incorporated whatever scheme they are contemplating now. I suggested it on earlier occasions also that it could be incorporated. But they were too much obsessed. Whatever has been done in the period of emergency that is to be undone, completely forgetting that even today three Members of the Cabinet are sitting who were associated with this piece of legislation when it went over for three years. Mr. George Fernandes has given a detailed history of how the Commission's recommendations were sorted out and previous Government took three years. There is no denial of the fact that we were delayed in implementing the decision.

I made my observations from the other House and I could have readily agreed to accept the acquisition of the Finance Minister if he could have come and said, you took too much time to implement that decision, here I am implementing it quickly.

The remedy which he suggested—it reminds me of the remedy if somebody is suffering from headache, Doctor comes and suggests if no medicine works on it, all right, cut off the head. It is a remedy like this!

What is the point for abolishing the Banking Service Commission? Banking Service Commission had a statutory obligation. You are talking of the representation of the Scheduled Castes and the Scheduled Tribes. Just go through the list of the recruitments and appointments and whether you are in a position even in the neighbourhood of the quota fixed by law or by the statute? You are not in a position. Direction did not work.

You have been in power for full one year. Just make a comparative study what you have done and what had been done in the past six years. I am ready to be convinced of your own arguments if you can convince that in the past one year your performance is better comparatively to the previous regime. Therefore, it is no use in saying that we did nothing in the past. If we did nothing in the past, is it because of that you are there and we are here? It is no use in saying day in and day out—you want to make a comparative study. Are you in a position to improve the situation? Are you in a position to say that you would be in a position to enforce law, implement the credit deposit ratio in the rural areas 60 per cent and 40 per cent which you have announced? Are you in a position to mop up resources? Is it not a fact that even the biggest Premier Bank of today after your one year performance has reduced its deposit? Is it not a fact, if you look at the recruitment policy of the individual Bank, one of the most important Bank serving in the Southern State is recruiting all its cadres not merely for two or three districts, but mainly all the officers from particular caste and from particular community? It is in the context of that, it was found necessary to have some sort of uniformity, some sort of objectivity, some sort of impartiality and to see that a scheme is evloved in which there would be no scope of nepotism. There would be no scope of any lacuna. It was found that if the persons doing this job are accountable to the Parliament and the people's representatives, they will always be on the right track. I wish to draw the attention of the hon. Finance Minister to another aspect of the problem and it is this. He said that he would like to have seven Regional Boards. How can you merely confine your recruitment from a particular area? You are not limiting the area of operation of the banks. Each and every nationalised bank, the 14 nationalised banks in all, the scheduled banks and the commercial banks have assumed an all-India character. Therefore how can you say that you are going to recruit the particular people from the particular area to serve the particular bank when the banks are operating all over the country? Would not you like to bring in the all-India element? Would not you like to bring in some integration in the recruitment policy of the banking system? Would you not like to see that people, m whatever area they may live, in whatever area they may reside,—if they have the talent, if they have the capacity to compete in examination, if they can stand the test of merit,—should not be denied the opportunity. But the scheme which you are contemplating is inherently deficient because it will provide more opportunities to limited number of areas where due to some reason or other the banking system

[Shri Pranab Mukherjee]

has come along. This is the hard fact of life. All the 14 major nationalised banks have their areas of activities in three or four cities. Overnight you cannot undo it. But you could do one thing. You could recruit people from every part of India. But the scheme which you are contemplating is completely frustrating in that direction.

Therefore, I request the hon. Finance Minister not to stand on any prestige issue. Since this measure has been turned down in the other House, this has been brought up in this joint sitting taking the opportunity of their enhanced strength in the Rajya Sabha and then to show to the whole world: 'Look, here we are in a position to get through however irrational and absurd the proposition may be.'

DR. SUBRAMANIAM SWAMY (Bombay North-East): Mr. Speaker, Sir, I rise in support of the Repeal Bill.

There has been enough already said on both sides of the House and I will not repeat those points.

But, Sir, it does amaze all of us when we see the vehemance with which some members in the opposition groups have opposed this Repeal Bill. And the crocodile tears that were shed for the Banking Commission did make me a little surprised.

I don't think that really the idea that the Banking Commission will go out of existence is a thing that is worrying them. Since the last Rajya Sabha elections there has been a feeling amongst some opposition groups—which have been flexing their muscles, threatening the Janata Government with not assisting them in the Rajya Sabha,—that they are losing power, and loss of power is something that is responsible for the shrill and rather extreme opposition.

So, I think, this Joint Sitting is extremely important for all of us for one reason.

Let us establish here once for all, in the light of the mandate which we have got for the coming four years, that this nation will not tolerate any blackmail from any opposition group, that once for all no opposition group can hold up the nation's progress. Therefore, Sir, I suggest to my colleagues, that let us vote in such a way that those who want to stop the nation's progress will never again do any such thing, holding up the process of Parliament. Therefore, along with my hon. friend Mr. Bala Pajanor, I would plead this. Even if he does not want it for another 15 years, he must assist us in vigorously opposing those measures which have been designed to see that the work of Parliament does not progress.

Sir, the abolition of the Banking Service Commission clearly, as has been explained, flows out of the decentralisation network, from the decentralisation frame-work, which, of course, is part of the autonomy. And it is this autonomy that we want to preserve. There will be no damage or dislocation if the Banking Service Commission is folded up. And that is what is to be remembered. A bad act was done; this was done slowly; this was done hesitatingly. And then it was rushed through during the emergency. The question is: why was it rushed through in the Emergency? Why did they want it? It has got nothing to do with the centralisation. (*Interruptions*)

SHRI C. K. JAFFER SHARIEF (Bangalore North): Shri Ram Jethmalani said in Bangalore that this was de-nationalisation.

MR. SPEAKER: This is not a class-room.

SHRI JAFFER SHARIEF: Let him deny that.

MR. SPEAKER: Please do not disturb.

DR. SUBRAMANIAM SWAMY: Sir, the real reason for the Banking Service Commission was to strengthen the police state which was set up during emergency. The erstwhile dictator wanted to use this Commission to assist the R.A.W. and the secret police to spread out in various corners of India and putting all those people whom they wanted to put in various strategic positions.

Therefore, Sir, I was a bit surprised to see Mr. Pranab Mukherjee coming here and talking about freedom from nepotism and freedom from favouritism by appointing such a Commission. If Mr. Mukherjee is fearless, he should come out and tell before everybody, this House, the Commissions, all, what exactly he did during emergency. Let him not avoid his responsibility.

So, why were the banks picked up? It means appointments in Banks from 25,000 rising to 45,000 new appointments; from 1,500 officers it has risen to 4,000 officers every year. That would mean at least 25 lakhs applications.

Is this a manageable proportion. Is this something that they can do efficiently? Obviously not. Furthermore, there is no centralisation; there is no uniformity as was argued. This Banking Service Commission leaves out the seven State Banks' subsidiaries; it leaves out foreign banks; it leaves out the private banks; it leaves out the Industrial Development Bank; it leaves out the Reserve Bank; it leavs out the Industrial Finance Corporation. So, in a sense, it is a partial measure which will do a lot of dislocation. Therefore, the only reason why it had been set up was with one purpose, namely, to use it for patronage and to strengthen the police state. I think some of things that has been said on the other side are obviously ridiculous.

For example, the Leader of the Opposition, in the Rajya Sabha, had argued that this was a process of denationalisation by the backdoor. I would like to make it clear that I had never been for denationalisation of banks. I knew that the bank nationalisation was not motivated by any economic reason. Once an egg is scrambled, it cannot be unscarmbled. The question is: why was the nationalisation itself done? It was not for economic reason. I was surprised to see Shri Kamalapathi Tripathi saying here that before nationalisation only the monopolists, rich people, the landlords and the kulaks kept money in the banks, and not the poor people of India, not the rest and, therefore, nationalisation was a great service. Well, if that is so, then Shri Kamalapathi Tripathi can do us a further great service, a great national service, if he can tell in which Bank Shrimati Indira Gandhi had kept all her money. This way he would have greatly assisted. It is hardly fair to talk about the statistics without knowing what they mean. I was surprised to see Mr. Mukherjee to say that no rural banks have been opened in the rural areas. What is the need when the banks themselves are opening rural branches all over the country? It is interesting to see that, in the past, the total number of rural banks branches were only one-third. But, during the last one year of Janata's rule, the number of rural branches opened compared to the total is two-thirds. In the past, it was one-third and now it is 2/3rd. All the board of directors have been re-constituted. Every single board of director has one harijan. This was not true before. It was not constituted at all since 1969. We have done that, Sir. Therefore, I would be very careful and vary about some of the phrases used. Some of the phrases are dropped. Today they talk about discipline. I am surprised to see this word used. In Emergency their word was very popular. If you go back to 1969 you will find at that time discipline was a bad word. At that time the good word was conscience. Some

[Shri Subramaniam Swamy]

members of the party asked their erstwhile dictator: What about party discipline? You voted against your party candidate. At that time she said 'what do you mean by discipline'. I believe in conscience. In 1975 when the Allahabad High Court judgement came, some members of our party went to her and asked her that in good conscience she should resign. She said 'what has this to do with conscience' 'I believe in discipline'. This is what happened. *(Interruptions)*

They can also explain. They also had an opportunity. What happened between 1969 and 1975. In 1969 discipline was a bad word and conscience was a good word. In 1975 conscience was a bad word and discipline was a good word. What happened in those six years, I would like to know. *(Interruptions)*

It is quite clear that all these have no meaning at all. People talk about CIA. We know what happened in Nanda Devi. We know what happened on the border of Tibet and India. I would not take that very seriously. In conclusion I would say that Janata Government has undone an obnoxious measure of the Emergency, a measure intended to strengthen the police power of the State and to interfere with the employment opportunities of the people. This is what we have done. Not only have we done but also we have submitted an alternative of regional grouping of banks which will ensure proper regional distribution of employment and also people in language groups are protected in their employment.

With these few words I conclude and I strongly commend the Bill and urge all of you to vote for the Bill.

SHRI DEVENDRA NATH DWIVEDI (Uttar Pradesh): Mr. Speaker, Sir, this is the first joint session of Parliament which has been summoned at the behest of the Janata Party and if the Janata Government had wanted to convene a joint session for a more flimsy and more trivial matter it would not have succeeded.

The firstness of the Janata Party in triviality and flimsiness was never in doubt. But, Sir, the Janata Government has several other firsts to its credit. Janata Government was the first Government which was installed in power without their being a party to back it. Janata government is the first government which after obtaining a mandate for five years seems to be running out of that mandate in less than a year. And the Janata party government is the first government which is proving the theory of irrelevance of government. Sir, when Dwight D. Eisenhower was the President of United States there was a joke which was current in America. The joke was that Roosevalt had proved that a goodman could be the President of United States for an indefinite period. Harry S. Truman had proved that any Tom, Dick and Harry could be the President of the United States and Dwight D. Eisenhower had proved that America did not need a President/ Sir, Mr. Morarji Desai had proved that this country does not need a Prime Minister because if there had not been any Prime Minister in the past one year the situation would not have been worse off. Now, coming to the Bill, coming to the legislation....

(Interruptions)

coming to the Bill, you cannot understand the true motive, the true reason of why this trivial Bill has been brought unless and until you relate it to the banking policy of this Government, unless and until you relate that banking policy to the economic philosophy of this Government and unless and until you relate that economic philosophy to the character of the Janata Government. The Janata Party is a rope trick in operation in politics. Somebody said the other day that the Manager of the Gemini Circus is finding it very difficult to recruit fresh talents because all the prospective candidates have joined the Janata Party. Some newspaper men have said that the Janata Government is 'khichri' and conglomerate. I beg to differ. The Janata Government is neither 'khichri' nor conglomerate. Khichri is a well cooked food and a conglomerate has a certain cohesiveness about it. The truth is that the Janata Government is a mess and this is what it has made of everything in the past one year. This Bill has to be viewed against the background of the economic performance of the Janata Government in the past one year. If the history of the past one year comes to be written, the title of this sub-chapter of Indian History will be "The wasted year". It has been a year of non-performance, a year of vascillation, a year of indecision. They cannot decide anything. They cannot even hold elections of the Parliamentary Party. Bewitched by the hypothets and bewildered by the real issues, the Janata Government has come forward with a policy which is a bundle of contradictions. They want to place an accent on self-reliance by importing technology. Mr. George Fernandes, about whose famous Chowpaty speech I had heard a great deal and of which we had some taste here today, wants to develop small sector by inviting multinationals. So, it is full of contradictions.

Now, coming to the Banking Commission, I am drawing the attention of the House to the merits and demerits, plus points and minus points of the Commission, and of the decision of the Government to dismantle it. I still do not undertand why they have abolished this Commission. Probably after appointing a number of commissions—probably 46 commissions—they thought why not abolish at least one Commission, so they chose the Banking Service Commission to abolish. Sir, this Commission was set up in pursuance of a recommendation made by the Saraiya Commission appointed before nationalisation of the Banks by the present hon. Prime Minister when he was the Finance Minister at that time and before nationalisation the terms of reference included the recruitment policy, management of manpower etc. While the Commission was still sitting, of course, the banks were nationalised and, therefore, while giving his report, Mr. Saraiya had taken into account the fact of nationalisation, the fact that after nationalisation, after the acceptance of the principle, that banks were going to be an instrument in the socio-economic transformation, we needed a new culture, a new ethic, a new orientation, a new approach and a new attitudinal set up of those people who were manning the banking industry from top to bottom. And, therefore, it was suggested that a commission be appointed which can make recruitment on an All India basis so that those who are recruited have an All India character. The commission was set up to ensure impartiality, to ensure objectivity, to ensure competence, to ensure professionalism and to ensure uniformity in the cadre recruitment. This was the reason why the commission was set-up so that recruitment could be based on these principles.

Now, the Finance Minister comes forward with two arguments. The first argument is that this centralised recruitment agency was interfering with the autonomy and flexibility of the banks. The second argument is that a centralised recruiting agency is very unwieldy and cumbersome. Sir, this is a vast country. To run this country is very cumbersome and unwieldy . Why don't you give this job to somebody else. You cannot run away from this. This is a vast country and you have to do things which are unwieldy and cumbersome. That is no argument.

You say that you want to ensure regional representation and you want

[Shri Devendra Nath Dwivedi]

that those who are recruited have a local bias. But why do you forget in the scheme of things we had accepted under the Act, we had provided for regional offices and regional examinations at different centres? There were to be a number of places where the candidates could appear for examination. This was the provision. That definitely was with a view to ensuring that the regional bias was there. Do you reject the principle of centralised agency which would give the cadre an all-India basis? If this is your principle, then abolish Union Public Service Commission. On the one hand you talk of decentralisation and on the other you talk of autonomy of banks. *(Interuptions)*.

Before nationalisation of banks, what was the position of banks. The Central Bank and the Bank of India were financing the Parsi community. The Dena Bank and the Baroda Bank were subserving the interests of Gujarati community. United Commercial Bank was a Birla concern. The Punjab National Bank subserved the interest of Punjab's landlords and feudal elements and the Southern banks catered to the needs of the Chettiars and Kannad landed aristocracy. After Nationalisation this situation was brought to an end and every bank could ensure that somebody from outside the region could be one of its officer or clerk.

Now, the situation is such that if I want to appear I will have to appear at seven different places. This used to happen in medical colleges. Dr. Pratap Chandra Chunder will bear me out. Now, various medical colleges have come together with a view to have one centralised procedure for admissions. By dismantling this structure you are again ensuring a situation in which United Commercial Bank sub-serves the interests of Birla, the southern banks sub-serve the interests of Chettiars and Kannad community and Central and Bank of India will sub-serve the interests of Parsi community. The all-India character of the banks is going to disappear.

Sir, this it not an isolated step. No doubt, this is a small step but it is a retrograde step. It is trying to put the clock backwards. This has to be viewed against the background of the approach of this Government to private banks and foreign banks.

16 hrs.

Sir, a few months back a committe was set-up by the Reserve Bank of India under the Chairmanship of one Mr. James Raj. That committee consisted of three persons. One is Mr. V. C. Patil, who is a former Chairman of Baroda Bank. He was the Chairman when that bank was nationalised. There is one Mr. Hazari. He was Chairman of the Bank of India when Bank of India was nationalised. There is one Mr. Dutta. He was Chairman of the United Bank when the United Bank was nationalised. Those were the people who were at the helm of affairs at the time of nationalisation of private banks and they have now been put incharge of the task of finding out as to whether public sector banks will be allowed to expand and go to different parts of the country. This is handing over the future of public sector banks to the known protagonists and friends of the private banks. What is the policy of the government towards private banks and what is the policy towards foreign banks? I should request the Finance Minister to take this House into confidence on one simple matter. What has been the policy of the government vis-a-vis foreign banks. What was the position about the opening of foreign banks in India till last year and what has been position between last year and this day? Has there been any change? How many foreign banks have been allowed to open branches? It is not a fact that several hundred applications are pending and many applications which were not allowed have now been allowed; two or three banks have been allowed to open their branches. Is it not undoing nationalisation? So, before I conclude I want to make two requests. Taking into account the role that banks had to play as an instrument of socio-economic transformation, the hon. Finance Minister must announce his policy, whether or not he is going to nationalise foreign banks. Secondly, just a plain request: do not stand on prestige, it is a trivial matter so far as the presfige of the government is concerned; government's prestige is not going to come down on account of that. On the basis of the merits, on the basis of the background against which banking commission was set up, please agree to withdraw the Bill and agree to reconstitute the Banking Service Commission so that the banking system may play its due role.

SHRI BHUPESH GUPTA (West Bengal): We have been listening to the speeches that have been made by the supporters of the Bill. I am in agreement with some of the criticism that our good friend George Fernandes has made against the working of the country's banking system. But I have one complaint against him. He has not demonstrated to us how a dynamite explodes; instead he demonstrated in this House how he himself explodes, maybe detonated by either Shri Morarji Desai or Shri H. M. Patel I do not know.

We are concerned here not with the task of displaying our explosion potential; we are concerned with the Bill: the question of how recruitment should be conducted. Right at the beginning let me make it clear that we are not enamoured of the banking commission as it is constituted or the provisions of the existing Act. What was needed really is improvement of the other kind by amending the Act so as to make the banking commission a more reliable and acceptable body in order that recruitment of officers and clerks would be better done. Instead the government has come forward with the proposal to do away with the banking commission as such.

I am not going into a general discussion about reaction action or progressiveness. All that I should like to make out here is that when the Banking Commission Act was passed in 1975, all of us, the Government side and the opposition every single party in the opposition supported that enactment. Today, we find that some of those who have supported it have changed their minds and have decided to go with the Government and support the annihilation of the Banking Commission Act and the Banking Commission. Would it be better? I am not saying that things were good in the past. The Capitalist Order, bourgeois rule would never give better arrangement we know that. Are we improving it? My submission is, we are now going to make things worse if we adopt this measure.

As you know very well, it would open the floodgates of nepotism favouritism, malpractice and corruption, which go with monopoly capital and their representatives in the Board of Directors of the banks. Today we know it for fact that after the Janata Party has come to power many of those people, the veterans in the financial world were of the Janata Party and are being brought back systematically to the Boards of Directors. It is they who are now in a commanding position to guide the policy of recruitment of fifteen hundred officers and twenty thousand clerks.

It is no decentralisation, it is distribution of patronage favour, leverage to the monopoly capital and their representatives who will be sitting in the various Boards of Directors and determining the policy of recruitment. To that we have our objection.

Parliamentary Control and statutory control which is possible through a Commission, the Banking Service Com-

[Shri Bhupesh Gupta]

mission, which must necessarily have uniform rules, uniform guidelines, uniform recruitment policy, will not be there. What will come instead is arbitrariness, patronage and favour itism on the part of some people controlling the levers of authority and power in the Boards of Directors and thereby controlling the appointing authority in the name of decentralisation. We are opposed to this.

What will happen? Who will take up the examinations? We have known that the merit list is prepared by the National Institute of Banking Management, a discredited body and the examinations are held with the help of hired out persons who are paid Rs. 8/ per day for going through the paper and so on. It is a well known fact and as a result, justice is not done and the selection is not proper and then the decisive say has been left in the past before the Banking Commission Act came into force in the hands of the Bank Managers and the Members of the Boards of Directors.

The Government will say that they will give guidelines. What guidelines will they give? Can the guidelines work unless there is Parliamentary Control and supervision, unless it is sanctioned by the law of the land and enforced by those who make the law.

Here I have got a statement with me showing the backlog of vacancies reserved for Scheduled Castes and Scheduled Tribes in the Nationalised Banks in the categories of Officers, Clerks and sub-ordinate staff. I have got a list of sixteen banks including the Reserve Bank and the State Bank. Here is the backlog. As on March 31, 1975 Central Bank had a backlog of 45 Officers in the case of scheduled caste and 25 in the case of scheduled tribes; Clerks—scheduled castes 852, scheduled tribes—516; sub-ordinate staff scheduled caste 50, and scheduled tribes 210. The corresponding figures for Bank of India are 32, 44, 172, 335, 18 and 33. The corresponding figures for Canara Bank are 340, 309, 89, 413, nil and 70. The corresponding figures for the Syndicate Bank are 122, 81 636, 355, 6 and 72. I can give more figures. Therefore, here was the guideline given by the government that certain vacancies should be reserved for scheduled castes and scheduled tribes. Those vacancies had not been filled before the Banking Service Commission was established when the appointment was in the hands of the management and the Board of Directors. Therefore, I say, guidelines will not work Arbitrariness will come.

Personal friends will come. Why did the government do it suddenly? Within a month of their assumption of power last year this Government in April decided that the Banking Service Commission should be dismantled. The Banking Service Commission (Repeal) Ordinance was issued in September and now we are discussing this Bill. But this Government has not had the time to annul and repeal the Maintenance of Internal Security Act. They have a joint sitting to do away with the Banking Service Commission, but regarding the law which under the mandate they are supposed to repeal, they are dragging their feet over it!

Finally I do not want to say very much. We are opposed to the Bill because it does not improve the situation. It takes away something which should have been improved upon. We do need some kind of uniform institution for ensuring fairness, and impartiality in this matter of recruitment. I understand that in order to provide employment for the RSS you are doing it. You may know very well that 20,000 clerks and 1500 officers will be recruited today. Five years hence it will be 40,000 and 4 lakhs. You are doing it to give employment opportunities to the followers of the ruling party and the RSS in particular. That is why we are particularly perturbed about it. Mr. George Fernandes should

note these facts. All I can say is, this will not only strengthen the positions of vested interests and monopolists in the matter of appointment and recruitment but at the same time, this will bring in undesirable elements into the banks as clerks and officers. We are strongly opposed to this reprehensible, retrograde, offensive provocative measure intended to serve the interests of the party in power.

डा० मुरली मनोहर जोशी (अल्मोड़ा) : अध्यक्ष महोदय, मैंने बहुत ध्यान से सम्माननीय विपक्षी नेताओं के विचार सुने और मुझे बड़ा आश्चर्य हुआ कि मेरे मित्र जार्ज फरनाण्डीज को विस्फोटक बताते-बताते सम्माननीय भूपेश गुप्त जी स्वयं फुलझड़ी बन कर रह गये। उन्होंने कोशिश तो बहुत की, लेकिन जैसे आतिशबाजी सील जाती है तो कोशिश करने पर भी उसमें चिंगारी नहीं निकल सकती, उसी प्रकार से उन्होंने प्रयत्न तो बहुत किया, लेकिन न प्रकाश निकला और न चिंगारी।

मुझे आश्चर्य हुआ जब मैंने उत्तर प्रदेश के वरिष्ठ नेता माननीय कमलापति त्रिपाठी के भाषण में यह सुना कि यह विधेयक बहुत ही पश्चाद्गामी है, प्रतिक्रियावादी है। उन्होंने यह भी बतलाया कि 1969 में बैंगलौर में हुई उस के उस समय के दल की जो सभा थी, उसने राजनीतिक और आर्थिक दर्शन के आधार पर बैंकों के राष्ट्रीयकरण का निर्णय किया था।

16.16 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

अब मैं उनको थोड़ा सा स्मरण दिलाना चाहता हूं कि बैंकों का राष्ट्रीयकरण एक महिला तुगलक के बिखरे हुए विचारों के कारण हुआ था या किसी राजनीतिक दर्शन के आधार पर वह किया गया था। ये तो स्ट्रे थाट्स थे श्रीमती इन्दिरा गांधी के जिन्हें उन्होंने एक तकिये के सहारे बैठ कर लिखा था क्योंकि उनकी मन पसन्द के व्यक्ति को राष्ट्रपति पद का उम्मीदवार उनके दल ने चुनने से इन्कार कर दिया था। इस देश ने 1969 के बाद 1977 में उसी व्यक्ति को भारत का राष्ट्रपति चुन लिया जिसे उससमय श्री कमलापति त्रिपाठी और उनके सहायकों ने मानने से इन्कार कर दिया था और इसलिए देश ने उस समय के उनके सारे किये गये कृत्यों को एक बार से बदलने का अधिकार, बदलने की प्रक्रिया के प्रति मतदान और आस्था प्रकट की और मैं समझता हूं कि इससे इन्हें शिक्षा लेनी चाहिए। उन्होंने यह कहा कि एक धारा प्रवाहित की गई थी उस समय जिसे यह विधेयक बदलना चाहता है। वह कौन सी धारा प्रवाहित की गई थी। क्या वह भागीरथी से निकली थी, या यह भारत में राजनीतिक मर्यादाहीनता के आचरण के कथनानुसार नाले से निकली धारा थी, इस पर हमें और आप को विचार करना है? कौन सी धारा प्रवाहित की थी। आप जरा देखें कि बैंकों के राष्ट्रीयकरण के बाद किस प्रकार का कदाचार हुआ? श्री के० आर० पुरी की नियुक्ति जो रिजर्व बैंक के गवर्नर के रूप में की गई थी, वह कौन सी बड़ी सुगन्धित धारा और उसके फव्वारे हमको दे रही थी। पुरी साहब को साधारण बैंकिंग का थोड़ा सा भी तजुर्बा नहीं था और वे एल० आई० सी० के एक कर्मचारी थे। फिर रघुराज महोदय को आई० डी० बी० आई० का मैनेजिंग डाइरेक्टर बनाया गया, चैयरमैन बनाया गया, उनको कौन सा तजुर्बा था। किस भागीरथी में स्नान कर के एकदम उनका आविर्भाव हुआ, कहां से अवतार हुआ, किस धारा में से वे निकले? और तलवार साहब जो थे उनका क्यों रिटायरमेंट किया गया क्यों उनको सेवा से निवृत्त किया गया? वारादाचारी को स्टेट बैंक का कर्ताधर्ता कैसे बनाया गया? यह धारा उन्होंने प्रवाहित की थी। तुली साहब जो पंजाब नेशनल बैंक के मैनेजिंग डाइरेक्टर थे, क्या उनका भी उसी पुनीत सलिल भागीरथी में स्नान करने के कारण आविर्भाव हुआ था? और मारुति कारखाने के लोगों को जो तरह तरह की सहायता बैंकों के जरिये से दिलाई गई थी, क्या वह भी उसी धारा का प्रभाव था, और 60 लाख रुपये का जो घोटाला हुआ था और नागरवाला जो काण्ड था, उसके लिए भी क्या आपने वह धारा प्रवाहित कराई थी। आप चाहते हैं कि बैंकिंग आयोग के द्वारा मल्होत्रा जैसे कर्मचारियों को बैंकों में नियुक्त कर दिया जाए? कौन सी धारा इस देश में आप प्रवाहित करना चाहते हैं? श्री जार्ज फर्नान्डिस ने थोड़ा सा उस धारा का उल्लेख किया था, जिसको आपने प्रवाहित किया था। मैं थोड़ा सा विस्तार में इस धारा के बारे में बता दूं और इसकी जो शाखाएं, उपशाखाएं कहां कहां गईं, उसका भी थोड़ा सा जिक्र करना चाहता हूं।

उस धारा को आप भारत की आम जनता के नाम पर, भारत के ग्रामीण, हरिजन और आदिवासी लोगों के नाम पर प्रवाहित करने की डिम डिम पीटते रहे लेकिन वह धारा वहां तक नहीं गई, उन तक वह नहीं पहुंच सकी मगर टाटा, बिरला, मफतलाल, मार्टिन बर्न, बागुर्र, जे० के० सिंघानिया और मोदीज में जा कर वह लुट गई। वह भागीरथी की धारा कहां गई? क्या वह शंकर के गले में जा कर अटक गई या उनके बालों में जा कर, उनकी जटाओं में जा कर बैठ गई? वह टाटा जो सन् 1951 में 116 करोड़ रुपये का स्वामी था, वह 1975-76 में 975 करोड़ रुपये का स्वामी हो गया और बिरला जो 153 करोड़ रुपये का था, वह 1065 करोड़ रुपये का हो गया। 1972 और 1976 के दौरान इनकी सम्पत्ति की रफ्तार 42.2 प्रतिशत और 46.7 प्रतिशत के हिसाब से बढ़ी और लारसन और टोबरो के जो घराने थे, उनमें यह वृद्धि 109 प्रतिशत हुई और भी ऐसे हैं जैसे मोदी की 86.4 प्रतिशत और कोई भी ऐसा नहीं हैं जिसकी सम्पत्ति में 40, 50 और 60 प्रतिशत की वृद्धि न

[डा० मुरली मनोहर जोशी]

हुई हो। इतनी ज्यादा वृद्धि इन घरानों की सम्पत्तियों में हुई है और यह वह धारा बहाई गई थी, जिसमें स्नान करके उसके किनारे आराम से संगमरमर के घाटों पर बैठ कर आज आप भी रसास्वादन कर रहे हैं और उस धारा की एक बूंद भी गांवों में हरिजनों को, पिछड़े हुए व्यक्तियों को नहीं मिली। क्या आप इसी तरह की धारा को बहाना चाहते हैं ? मैं आप से कहना चाहता हू सदन से भी कहना चाहता हूं कि वह धारा केवल बड़े घरानों को ही पवित्र करती हैं, केवल उनके भोजन को रसपूर्ण बनाती हैं और पंडित जी आप उसी धारा को प्रवाहित करने का समर्थन करते हैं। कम से कम आप ऐसा न कीजिए, पर शायद आपसे यह आशा नहीं की जा सकती। आप तो शायद उस धारा को जो संजय धारा हैं, उसको बहुत दूर तक ले जाना चाहते हैं। मेरा निवेदन है कि उस धारा को देश बर्दाश्त नहीं करेगा। अब एक नयी धारा, जनता धारा प्रवाहित हुई है जिसको हम गांवों तक, हरिजनों तक, आदिवासियों तक ले जाना चाहते हैं।

जहां तक विधेयक का प्रश्न हैं, बार बार यह कहा जा रहा है कि यह वह विधेयक है जो आपात्कालीन स्थिति में पारित किया गया था और इसका आप निरसन करने जा रहे हैं। इसके द्वारा आप बैंकों की सत्ता कुछ निदेशकों के हाथों में सौंपने जा रहे हैं। यह भी कहा जाता हैं कि आप बैंकों के क्रिया कलाप को कुंठित करना चाहते हैं। हमारे प्रतिपक्ष के नेता चव्हाण साहब ने लोक सभा में कहा था कि इस कमीशन के द्वारा हम सांस्कृतिक ट्रांसपोर्टेशन करना चाहते थे, बंगाल की संस्कृति को, उसकी पौध को तमिलनाडु में ले जाना चाहते थे। क्या बैंकों का काम सांस्कृतिक ट्रांस्पोर्टेशन का है, या बैंकों का काम मुद्रा के प्रबन्ध का है, क्रेडिट या साख को इधर उधर फैलाने का हैं ? सांस्कृतिक प्रसार का काम सांस्कृतिक प्रसार वाले करेंगे और बैंक अपना काम करेंगे। उन्हे अपना काम करने दीजिए उन्हें गांवों में जा कर अपना विस्तार करने दीजिए जब बैंक गांवों में जायेंगे तो आवश्यक हैं कि जो वहां की भाषा को समझता हैं, वहां की भावना को समझता हैं, वहीं वहां अच्छा काम कर सकेगा। क्या दिल्ली में बैठ कर बैंकिंग सर्विस आयोग यह सब काम कर सकेगा ? कहा जाता हैं कि इस आयोग के द्वारा हम परीक्षाएं लेंगे, दिल्ली की कोई एजेन्सी परीक्षा लेगी और सारे देश के व्यक्ति उसमें भाग लेंग। यह भी कहा जा रहा है कि आप सात क्षेत्रों में ये परीक्षायें लेंगे तो हिमाचल प्रदेश का व्यक्ति गुजरात में जा कर कैसे परीक्षा दे सकेगा। हमारे वित्त मंत्री जी ने जो योजना हमारे सामने रखी हैं उसमें कहीं यह नहीं कहा गया हैं कि जिस क्षेत्र में जो कार्यालय होगा उसके द्वारा आयोजित परीक्षा में उसी क्षेत्र के निवासी ही बैठ सकेंगे, अन्य युवक भाग नहीं ले सकेंगे। यह कहीं नहीं कहा गया हैं कि एक दक्षिण का व्यक्ति पूर्वी क्षेत्र की परीक्षा में प्रवेश नहीं ले सकेगा। मैं पूछना चाहता हूं कि क्या क्लर्कों की भर्ती के लिये यह आवश्यक हैं कि हिमाचल का एक व्यक्ति तमिलनाडु में जा कर नियुक्त हो ? अफसरों की बात तो अलग हैं। ठीक है कि अभी तक कुनबापरस्ती में लोग अपने आसपास के लोगों की भरती कर रहे थे लेकिन अब यह नहीं चलेगा। मैं यह कहना चाहता हूं कि अगर बैंकों को व्यावहारिक बनाना हैं, प्रभावी बनाना हैं तो उनमें उसी क्षेत्र के व्यक्तियों की भरती करनी आवश्यक है। हां, इस बात की देख रेख रखी जाए कि वह भर्ती निष्पक्ष हो, किसी जाति बिरादरी के आधार पर न हो। इसके लिए कोई परीक्षा प्रणाली निर्धारित की जा सकती हैं, कोई चयन समिति बनायी जा सकती हैं जिसमें इन सब बातों का समावेश किया जा सकता है। उसमें विरोध पक्ष के लोगों के सुझावों से भी फायदा उठाया जा सकता हैं। उसके द्वारा यह व्यवस्था भी की जा सकती हैं कि भरती योग्यता और निष्पक्षता के आधार पर हो, जिसमें कुनबापरस्ती न आये।

उपाध्यक्ष महोदय, जब इस सम्बन्ध में पार्लियामेंट में एक्ट बना, मैं उस समय लोक सभा की और राज्य सभा की कार्यवाही पढ़ रहा था। मैंने देखा कि उस समय कांग्रेस पार्टी के भी सदस्यों ने इस तरह की बातें कही थीं। उस समय विरोध पक्ष के सदस्य तो सामान्यतः जेलों में बन्द थे। कांग्रेस पक्ष के सदस्यों ने भी इस बात को माना था कि क्षेत्रीय भर्ती को इसमें वरीयता दी जानी चाहिए। उस समय चूंकि देश में संसरशिप था, उनकी बातें अखबारों में नहीं आ सकती थीं। इसलिए देश की जनता को पता ही नहीं चला कि इस सम्बन्ध में कांग्रेस के सदस्यों की क्या राय थी। अगर हमें ग्रामीण क्षेत्रों में जीवन को समर्थ बनाना हैं, उनकी स्थिति में सुधार लाना है, वहां बैंकों का विस्तार करना हैं तो हमें उन क्षेत्रों की आवश्यकता के अनुरूप भर्ती करनी होगी। हमें उन्हीं लोगों को बैंकों में लाना होगा जो वहां की आवश्यकता को समझते हों। इस लिए यह कदम बहुत जरूरी हैं।

अन्त में मैं यह कहना चाहता हूं कि विरोध पक्ष अगर इस विधेयक में कोई सुधार की अपेक्षा करता था तो उसका सुझाव दे सकता था। मैं बहुत विनम्रतापूर्वक निवेदन करना चाहता हूं कि हमने केन्द्रीकरण के स्थान पर विकेन्द्रीकरण करने का निर्णय लिया और उस निर्णय के अनुरूप ही हम इस विधेयक को लाये। विकेन्द्रीकरण की दिशा में ही यह हमारा कदम हैं। हम जो भी निर्णय लेते हैं उस पर अमल करते हैं। हमने एक यह निर्णय लिया था, इसको हमने क्रियान्वित किया। हमारे मित्र इसमें बाधा डाल रहे हैं।

इन शब्दों के साथ मैं इस विधेयक का विरोध करने वालों से प्रार्थना करता हूं कि उनको अपना विरोध वापिस ले लेना चाहिए और इस विधेयक का समर्थन करना चाहिए। मैं इस सदन से भी यह निवेदन करूंगा कि वह वित्त मंत्री द्वारा प्रस्तावित विधेयक का समर्थन करे।

SHRI DAJIBA DESAI (Kolhapur): Mr. Deputy-Speaker Sir, the rejection of this Bill by the Rajya Sabha has created an anomalous situation. The Banking Service Commission Act, which empowered the Government to

have control over the working of banking services, is being sought to be annulled. The previous Government did not implement the Act. It delayed the appointment of the Commission and thereby its working. The present Government want to dismantle it. So in one way, the previous Government did not want to implement the Act, and the new Government is coming with a scheme to dismantle it. There is a uniformity of thinking in both these proposals that the Government should not have control over the banking system. The previous scheme of nationalisation has basically accepted the control of the Government over the banking system. Now the present Government, having brought forward this Repeal Bill is going to lose it. So, they do not want to have control of the Government over the banking system.

Many hon. Members have said that after the passage of the present Repeal Bill the banks will go into the hands of banking magnates or industrial magnates. The concentration of recruiting agency, the centralisation or decentralisation of it, these are not the real issues in the Bill. The real issue in the Bill is whether the control of the Government should be there. Both parties do not want it. One party refused to implement it and the other party does not want it.

When the Janata Party came to power, immediately they issued an Ordinance, probably the very first Ordinance, to repeal the Banking Commission. That means they want to implement the policy of free enterprise. The Bill basically deals with this policy and, therefore, my party decided to oppose the Bill. If it is only a question of centralisation as has been stated by the ruling party, it did not prevent them from improving the Bill. They could have brought in amendments or proposals for the decentralisation of the recruiting agency. So, it is not really a question of the recruiting agency; it is really a question of the abolition of the control of the Government. Therefore I oppose this Bill.

SHRI C. M. STEPHEN (Idukki): Mr. Deputy-Speaker, Sir, immediately after the speech of my friend, Shri George Fernandes, I had an urge to assume the role, which is habitual with me, the role of a public speaker. After a little bit of time, I overcame that urge and I now prefer to address this House as a House of Parliament.

In my view, certain very very fundamental questions are involved in the matter we are discussing. I would urge upon the Members to whichever party they may belong, to bring to bear on this matter an objective approach. I make this appeal because I know that, irrespective of the apparent party affiliations members would be reacting differently to the proposition before the House.

Something very extraordinary has been happening. A summons was issued to call the House on the 17th September. After the issue of Summons, rather when the House was about to meet, on the 19th September an Ordinance was issued. This is against the stand of the Janata Party many members of the Janata Party have been taking all along. I was wondering what was the urgency when you knew that the House was meeting. After all, the summons was issued.

How did this Ordinance come? The Rajya Sabha rejected the Bill and here is a Joint sitting, very rare. In 1971 we had one. Many years thereafter, a joint session is summoned. May I ask in all humility: is the matter of such momentous consequence of such a fundamental importance as to call for a joint sitting? Could heavens have fallen down if the joint sitting was not held? I do not understand what is the principle involved in it. The Finance Minister has been explaining that this is for the purpose of decentralisation, this is for the purpose of rural benefit, recruitment on an

[Shri C. M. Stephen]

equitable basis and all that. I am afraid, all these are provided in the Act that is before you. We have got Section 3 of this Act. Section 3, sub-section (4) provides for regional offices in such State or group of States as the Commission may, with the previous approval of the Central Government determine. We have got Section 7(1) which says:

> "The Commission may... constitute one or more committees consisting wholly of its members and partly of other persons and delegate to any committee so constituted such of the functions and powers of the commission as may be prescribed in the rules made by the Central Government."

Section 11 says:

> "The Commission shall call for applications from such category of persons and in such manner as may be specified by it in the regulations and conduct of examinations in such State or group of States as may be necessary having regard to the requirements of Section 17...."

Section 17 says:

> "The Central Government may, by order, direct that in relation to every public sector bank reservations in favour of the Scheduled Castes, Scheduled Tribes and other categories of persons shall be made in such manner and to such extent as it may specify.."

What I am submitting is that this Act provided for regional offices, examinations in different States and in different languages specific quota for the Scheduled Castes and Scheduled Tribes people. This Act provided for appointment of sub-commissions to hold examinations and to arrange for recruitment. Over and above that there is another thing which this Act provided by Section 22—accountability to Parliament. The Commission had to give a report of their annual functioning and the report had to come before the Parliament. Now, with respect to this sector, whatever the Finance Minister wanted had been provided for in this Act. Over and above that, accountability to Parliament was provided for. And over and above all these, this Act provided that the provisions of this Act by a notification can be extended to other banks also. This Act was an attempt or extension of the nationalisation of banks by an executive order, by a notification in the gazette and of arrangement for recruitment not only in certain public sector banks but other banks also. I am asking: why did this become inconvenient? Why was it necessary that it should be scrapped? This Act provided for the regional arrangement that you want. This Act provided for the reservation of Scheduled Castes and Scheduled Tribes which you want. This Act provided for the examination in various States which you want. You want sub-commissions attached to different regions. This Act provided for that. Therefore if your new arrangement is for all this purpose, the purpose is provided for in the Statute with a redeeming feature of accountability to the Parliament every year. The new arrangement that you are making is an executive arrangement which will depend on the whims of the executive officer. There is no accountability to Parliament at all, there is no extension to the other banks at all it will remain confined to the public sector banks.

What is the new arrangement you are making? You are dividing banks into different groups—Eastern Group: United Commercial Bank and United Bank of India; Southern Group: Indian Bank and Indian Overseas Bank. Am I to understand that only the southern people will be entitled to go to these Banks? If they have to go to some other bank, they will have to go to North India. Whereas under the arrangement provided for under the Act, examinations would be held in the different areas, pooling would take place of the selected candidates, and the candidates would be allotted to different banks. It is this wholesome arrangement that you are scuttling. Is it in the interests of the country? That is what I am asking.

When Pandit Kamlapati Tripathi spoke about the Act being progressive, my friends made fun of it. Mr. Ramamurti was asking: what does he mean by reaction? It is a very wonderful picture, a wonderful combination, of Mr. Ramamurti on the one side, the RSS on the other side and the socialist prophet on the third side all these people coming together and tell us what reaction is and what progress is.

I say it is a reaction, it is retrograde step because it is a recruitment arrangement without ultimate accountability to Parliament, without the possibility of its extension to the other banks, and therein lies reaction therein lies the retrograde nature of the whole step.

It was asked why a statutory commission was necessary. May I put a counter question to them? Do you agree that the Public Service Commission is a good arrangement, or would you say it is not or are you just tolerating it because the Constitution has provided for it? Would you prefer to scrap it? If, with respect to appointments in the public services, the Public Service Commission is necessary, why under the heavens do you think that for the purpose of recruitment to the banks, a service commission is not necessary? If a Public Service Commission is necessary there, a service commission must be acceptable to you here necessarily. Therefore the ultimate inference is irresistible that the purpose of the arrangement is not better recruitment, the purpose is something serious as mentioned by my hon. friend Shri Bhupesh Gupta, the purpose is through some machinery to get some people into it and expand the circle there being no extension to other banks, there being no accountability to Parliament. This is the meaning of the whole step.

We say that it is de-nationalisation of the banks. You may not de-nationalise in so many words. But nationalisation had a purpose, a social purpose. Banks will pursue a policy in accordance with the personnel controlling them. You may spell out any policy but if the personnel is of a different character, the social policy will not be achieved at all. You do not have the guts to de-nationalise the banks and, therefore, you do it by the back-door. This is a back-door method of putting people into the banks and managing the affairs through these people who will not be accountable to anybody at all. This is in effect de-nationalisation of banks. This is what it comes to. Further extension to other areas is something impossible.

Before I sit down, may I ask the Finance Minister one question? What is the legal position now? There was a repeal ordinance, an ordinance which repealed this Act. What is the effect of it? Would you say that the Act remains or it does not remain?

As far as my understanding goes, as has been spelt out by the Law Commission and the Supreme Court also, the position in law is:

> "Under Section 6(a) of the General Clauses Act if by efflux of time, the period of a temporary statute, which had repealed an earlier statute, expires, there will not be a revival of the earlier one by the expiry of the temporary statute."

This is what the Supreme Court also says that once you repeal, under the English Act, it is as though the Act was never on the Statute Book. If that is the position, that is the key to your mischievous move. This is a Repeal

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Act which means that the Act is gone. There is no question with respect to continuing or ceasing to operate the Act. You cannot continue to operate killing the Act. You can kill the Act once. The killing has been done, the killing does not continue.

The only question is, whether the revival has been killed. The Supreme Court has said that there will be no revival. If that is the case, then it is an exercise in futility. If that is not the case, if the Act is revived, then the Banking Service Commission is revived. In the meanwhile, the recruitment should have been done through the Banking Service Commission. How was the recruitment effectuated? Did it effectuate through the Banking Service Commission? Obviously not. Therefore, dilemma is not clear. Either you tell us that the Commission is revived, the Act is revived and, if it did, all your recruitments were void and were in violent of the mandatory order of Parliament, or, if it is not revived, why then this nonsense of a Repeal Act? There cannot be a repeal of something which is already dead. This means that your Ordinance was a fraud on the Parliament. It was a deliberate fraud on the Parliament. You were not prepared to come to the Parliament through a straight course. You came to it with a dead body of an Act which by an Ordinance you killed. Now, you want us to sit in this joint session and go through a ceremony of repealing what has already been repealed. I am not for a fraud on the Parliament. This is a fraud on the Parliament. The Ordinance was a fraud on the Parliament.

This move is towards de-nationalisation of banks. This move is towards an infiltration of your people in the vital sector of the economy of this country. You are putting the clock backwards and you will be defeating the purpose of a pseudo-prophet of Socialist International, Mr. George Fernandes.

With these words, I oppose the Bill.

16.44 hrs.

[MR. SPEAKER *in the Chair*]

SHRI SANKAR GHOSE (West Bengal): Mr. Speaker, Sir, last time, the joint session met on a historic day in 1961 to pass a socially progressive measure. Today, the Janata Party Government will have the unique distinction of calling a joint session to pass an economically regressive measure.

There are many reasons for opposing this Bill and an additional reason has been put forward by the hon. Minister of Industry who intervened. He said, "Anything brought about by an ICS man we view with suspicion." This Bill has been brought forward by an eminent ex-ICS man and it requires to be viewed with suspicion. The Industry Minister said that they want to undo what we have done. To that extent, he is right. This Bill seeks to undo what we through the then Deputy Prime Minister and the Finance Minister, Mr. Morarji Desai, did in appointing a Banking Commission. He appointed the Saraiya Commission and on the basis of his report this Act, the original Act, was passed.

Through this Bill, you want to undo the parliamentary control which was provided in section 24 of the original Bill. Through this Bill, you want to undo the reservation for Scheduled Castes and Tribes which was provided in the original Bill. Before this Bill, an attempt was made to repeal an Act by an Ordinance only a few days before Parliament was to sit. The attempt by this Bill is really to ensure that there is no all India impartial recruitment authority and that the recruitment policy may be controlled by some units of the Janata Party.

You could as well rename the Banking Service Commission as Jan Sangh Service Commission or RSS Service Commission. That is the real purpose of this Bill. You could have renamed it.

So far as undoing of what we had done is concerned, the Industry Minister have also mentioned some figures about bank credit and bank nationalisation. In July 1969, the bank credit by commercial banks to the rural sector was 22 per cent and in 1973 it became 51 per cent. Do you want to undo that? So far as agriculture is concerned, in July 1968, the percentage of loan to agriculture was only 2.2 per cent and by December 1972, it had been increased to 9 per cent. Do you want to undo that? Certain figures about bank nationalisation have been given. In Agriculture the loan given in June 1969 was only Rs. 160 crores and in June 1973, it was about 12 times. What has been said is that with regard to this Bill, you want to undo what we have done.

Now, so far as bank nationalisation is concerned, bank nationalisation was not only for the purpose of getting control over the finances but it was for the purpose for ensuring that the finances go to the agricultural sector, to the priority sector, to the rural sector. You say you want to undo that. With the policy that the Janata Party Government is pursuing you can undo bank nationalisation because with the policy that you are pursuing you need not have any bank for giving any loan. One of the declared policies of the Janata Party Government in the Sixth Plan Document is that you will allow international companies, multinationals, to come to this country and you will allow Indian companies to close down. If that is the policy, then there is not need for banks to be nationalised. In the Sixth Plan Document, you have said expressly that industries which cannot stand upto limited international competition in certain specified products area will be allowed to be closed down. Therefore, if the policy is to undo what has been done through bank nationalisation, then this Bill is an appropriate Bill.

So far as this Bill is concerned, it was brought about by an ordinance only a few days before Parliament assembled. It was brought about by an Ordinance without any consultation, whatsoever, with Opposition. It is a black measure which has been opposed by the working class. It is a measure by which you will make recruitment not on an impartial all India basis but on the basis of regional considerations and political considerations, and ultimately hand over the recruitment policy to one constituent of the Janata Party conglomerate.

So far as banking is concerned, the Industries Minister has mentioned about bank nationalisation as if nothing has been done. So far as rural banking is concerned, the policy of the Janata Party Government has been to put an end to the expansion of rural branches. Can it be denied that this has been the policy of the Janata Party Government? Was not the Dantwalla Committee appointed and did not the appointment of that Committee operate as an embargo on expansion of rural branches?

If you want to undo the whole policy, you have succeeded because in the year you took over, the growth in industrial production was 10.6 per cent, and you have succeeded in bringing it down to 5.6 per cent. In the year you took over, the number of unemployed persons registered with the Employment Exchanges was 9.6 millions, and now it has increased to 10.8 million; you have been able to increase the rate of unmployment by 12.5 per cent. The increase in investment in the public sector in the Fifth Plan was 160 per cent more than in the previous Plan, but the Sixth Plan

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that you have presented the increase in public sector investment is only 60 per cent; you have succeeded in bringing that down. So far as the man-days lost in industries are concerned, in the year before you took over, the man-days lost were six millions and now it is 11 millions.

You have succeeded in undoing the rate of growth in industrial production and in the other sectors....

MR. SPEAKER: Please conclude.

SHRI SANKAR GHOSE: Therefore, Sir, I oppose this black Bill totally and completely.

SHRI A. K. ROY (Dhanbad): Mr. Speaker, Sir, I thank you for having given me this opportunity. Perhaps, we should thank the Janata Government for having given us this opportunity to listen to this wonderful debate. This debate reminds me of my University days when we used to have some debating competition because the issue involved here is very insignificant, but the entire arrangement has been made for this. It has only got some academic value inasmuch as there is the exhibition of comparative eloquence by the hon. Members.

I would like to draw your attention to a very simple accountancy. The cost of Parliament in 1976-77 was something like Rs. 6 crores and a few lakhs which means that one day's joint sitting of Parliament costs more than Rs. 2 lakhs. And what is the utility? With what end so much is being spent? The hon. Finance Minister has said that he wants to make some economy, he wants to eliminate the expenditure on the Chairman of the Banking Service Commission. If this is the type of economy that the Finance Minister is having, then we really need a Banking Service Commission to educate such a Minister.

Here we have listened to the debate; we have listened to the Leader of the Opposition and also to the Ministers. The debate reminds me of one sentence of George Bernard Shaw.

'While passing through the road, I stopped somewhere, at what they call the 'talking shop' or Parliament and I found there that the pot was lecturing the kettle on its blackness'. The Leader of the Opposition, whether in the Rajya Sabha or the Lok Sabha, accuses the Janata Party as a reactionary Party. You must know one thing first. The Janata Party is not a Party. Like the holy Roman empire, the Janata Party Government is neither a Party nor a Government and, as the last election has shown the janata is also gradually going away from them. The question is that the Janata Ministers started talking of rural development and the Congress Party Ministers had started talking about reactionary progressive things. One is a pot and the other is a kettle, and in the struggle between the pot and the kettle the entire people of the country have been caught. I would like to say that the question is not of socialism and capitalism: the question here is one of feudal socialism and anti-socialism. You have to choose between the feudal socialism of the Congress and the anti-socialism of the Janata. That is your choice: you have to choose between them.

I would like to say another thing. They talk of self-reliance. They talk of putting the country under the burden of crores of rupees of foreign loans and yet they talk of self-reliance. The Janata Party talks of self-reliance after inviting multi-nationals and after liberalisation of everything—liberalisation of licence, liberalisation of import, liberalisation of firing, liberalisation of corruption and liberalisation of everything. So, we have to choose between the frying pan and the fire. We have to choose between forward-looking so-called horror imposing conquerors and backward-looking feudalism. The Congress Party is a bourgeois land-lord party and the Janata Party is a Kulak land-lord traders' party. It has got everything in the market: everything is market dominated.

I oppose this Bill because it is not forward-looking. I oppose this Bill because it will not lead to decentralisation: it will lead to disintegration, we must know. It will increase feudalism, it will increase localism, it will increase nepotism, it will increase favouratism. When I saw some of my progressive friends supporting it, I was reminded of a horse-race. Mr. Speaker, Sir, this would be the worst thing. I do not think it will add to the credit of our tradition to have this type of thing and so I would like the whole House to oppose this Bill tooth and nail.

THE MINISTER OF FINANCE (SHRI H. M. PATEL): Mr. Speaker, Sir, I would like to begin with one or two legal points that have been raised by Mr. Stephen. He said that everything became illegal—i.e., all recruitment once the Commission was established and was thereafter repealed. I would like to tell him that under Section 15(1), until the Commission—that is to say, the Chairman, who is the only Member of the Commission who has to notify—notifies under Section 15(1), recruitment goes on as before by the banks in the way they had been conducting it till that date. That notification has not yet been issued. Therefore, I do not think that any great legal difficulty will arise.

Then, he referred to the fact that the issue of the Ordinance used to be opposed by us when we were in the Opposition. Undoubtedly. The opposition was not to the issue of the ordinance but the opposition was to the issue of the ordinance on the eve of the commencement of the session, or immediately after the session came to an end. My hon. friend, I think, perhaps did not look up the dates. What I find is that there is no date so close as to bring this within the mischief of our general approach to this question.... (*Interruptions*).

17 hrs.

SHRI C. M. STEPHEN: The summons were issued on the 17th and the ordinance was issued on the 19th. This is what I emphasised.

SHRI H. M. PATEL: I do not feel that summons matter at all. The question is when is the Parliament session to commence. Is that the relevant date or is that not relevant? This is the point that you may consider.

My hon. friend also said that the motive of the Government is somehow to escape or to avoid coming before the Parliament whatever is done in regard to this matter and so on. He said that accountability was one thing which was there in the Act and if we want to get rid of the Act, there will no longer be any accountability. This is a very strange doctrine which Mr. Stephen preaches. The accountability, of course, remains. Do the nationalised banks not submit their annual reports? Do their balance-sheets not come before the Parliament? Is the Parliament not asking any number of questions as to what is done by the banks? The accountability remains complete... (*Interruptions*). There is no question of ceasing of the accountability. The Parliament will become aware of everything that is done even under the new procedure.

Shri Pranab Mukherjee spoke very passionately. Well, he might, because during his period many things happened, which perhaps ought not to have happened. One would think that he was moved by all the wrong things that are now contemplated by this Government, but he forgot the kind of persons that were appointed by

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him as Chairmen of the Banks. Reserve Bank is the central Bank of the country. Whom did he select for its chairman ?**

had no experience whatsoever of banking...

SHRI VAYALAR RAVI (Chira-yinkil): On a point of order......... (*Interruptions*)

The rules say that no Member will name any individual who is not here in the House to defend himself. Shri H. M. Patel is a Minister himself and he is abusing a gentleman who was the Governor of Reserve Bank... (*Interruptions*)

MR. SPEAKER: Do not record this.

SHRI H. M. PATEL: We have seen....

MR. SPEAKER: I allowed the point of order....

(*Interruptions*)

Don't record.

SHRI H. M. PATEL: If there is so much sensitivity on the subject, I will say nothing....

(*Interruptions*)

MR. SPEAKER: I have allowed the point of order. He should not have referred.

SHRI VAYALAR RAVI: Please delete the name.

MR. SPEAKER: Yes. I have allowed the point of order.

SHRI C. M. STEPHEN: What Mr. Ravi said may also go.

SHRI H. M. PATEL: The appointment of someone—let me put out the name—who had no experience whatsoever of any kind of banking to be appointed as the Governor of Reserve Bank—could there be any....

SHRI PRANAB MUKHERJEE: It was not done by me.

(*Interruptions*)

SHRI PRANAB MUKHERJEE: I was not the Minister of Banking.

SHRI H. M. PATEL: My hon. friend is so very sensitive but he took no trouble....

SHRI N. K. P. SALVE (Maharashtra): Mr. Mukherjee, please go to the mike.

SHRI H. M. PATEL: I find him very sensitive but he did not take any trouble to verify anything when he said this.

(*Interruptions*)

SHRI PRANAB MUKHERJEE: He is misleading the House.

(*Interruptions*)

SHRI H. M. PATEL: I have no objection to withdraw it....

(*Interruptions*)

I find it very strange when this hon. Member said in the course of his observations that the Finance Minister, also a former ICS officer, left under a cloud. Now, Sir, he should know that there was never any question of my leaving under a cloud. Whatever inquiry there was, it has exonerated me completely and I left of my own free will after the whole thing was completed and I said that I will not come back to government. But I am afraid the hon. Member did not take care to verify the fatcs when he made charges. I made no charges. But the fact remained that this appointment was made.... (*Interruptions*). If the hon. Member was not responsible for it, I am sorry and I withdraw it. But, certainly, it is a fact that this appointment was

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**Expunged as ordered by the Chair.

made by the former Government Now, when you consider so many other appointments which were referred to, there are others also. There was a question of a former Chairman of the State Bank—a Chairman of the State Bank and one of the finest Chairmen the State Bank has had and in order to see that he should go....

SHRI VAYALAR RAVI: He was the most corrupt....

(*Interruptions*)

MR. SPEAKER: What is all this? I cannot understand if there can be any objection to praise anybody. There is no rule which debars a man praising anybody....

SHRI SAUGATA ROY (Barrackpore): On a point of order.

(*Interruptions*)

MR. SPEAKER: Please resume your seat. There is no point of order.

(*Interruptions*)

MR. SPEAKER: Mr. Saugata Roy, I am not allowing you. Please sit down. You are unnecessarily obstructing the House.

(*Interruptions*)

MR. SPEAKER: Mr. Saugata Roy, I am not allowing you. Please sit down. The idea seems to be to disturb the House.

SHRI H. M. PATEL: In the history of Parliament this is a unique thing, a unique kind of experience which can only happen once a while. And that was to see that one officer was removed. An Act of Parliament had to be brought to amend the rules relating to leave, to resignation, etc. in so far as it applied to the officer. This is the kind of thing they do. When this is brought out, they rise in protest.

SHRI VAYALAR RAVI: He was most corrupt.

(*Interruptions*)

MR. SPEAKER: There is no such rule, Mr. Saugata Roy, Please sit down. You are repeatedly obstructing the proceedings of the House.

(*Interruptions*)

MR SPEAKER: Mr. Lakkappa, please sit down. He can.

SHRI H. M. PATEL: The hon. leader of the Opposition in the Rajya Sabha said something about this step being a reactionary step. It is difficult to understand what exactly he sees that is reactionary in this.

(*Interruptions*)

They are so jaundiced to anything that may criticise them. They cannot take that. All the time, for the last several hours, they have been criticising and using arguments which are totally removed from reality.

You made these charges and we listened to you patiently. Unfortunately you are not able to hear or listen to what is fact.

(*Interruptions*)

These hon. Members have been so accustomed to riding rough shod over everybody's feelings. They were under dictation. This was what they learnt during emergency—that they shall do anything that might be told to them without question, without argument. We do not want that. We want you to put forward reasons, but with reason, not shouting and protesting for every little thing that has been said.

Mr. Tripathi said that this is reactionary. What is the definition of reactionary? Whatever he does not like is reactionary. That is not a good thing. Let me just point out about these appointments that were made which I referred to.

There were Acts. There were statutes and everything. How do these appointments come to be made—so utterly irresponsible, so utterly against public interest. These were

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made by these very progressive gentlemen. I do not call them reactionary. I would call them progressive. This is not your definition of progressivism.

A hon. member said that the objectives with which the banks were nationalised, those objectives will not be achieved. Has he taken the trouble to look at any facts at all? Let me read to you what the then Prime Minister said in July, 1969. She made a statement to the two Houses of Parliament on the objectives on which banks were nationalised. These objectives were—

1. Mobilisation of savings of the people to the largest possible extent and to utilise them for productive purposes in accordance with our plans and priorities.

Is there anything that has happened during the last fourteen months, that gives you any reason to think that the mobilisation of resources has slackened? No, it has increased. The pace has gone much faster. Do you realise this? It is a fact, I can prove chapter and verse.

Then he said about productive purposes in accordance with our Plans and priorities. Now, of course, it is still going to be used for productive purposes, but in accordance with our plans and our priorities. Our priorities are to use them for the development of rural areas. (*Interruptions*). This is of the highest priority. (*Interruptions*). Mr. Lakkappa, tears will be in your eyes if you listen to these charges against you.

Now, Sir, the second point is this, that the operations of the banking system should be informed by larger social purpose and should be subject to close public regulations. This is what is being done. Legitimate credit needs of private sector industry and trade, big or small, should be met.

Fourthly, it would be the endeavour of the banks to ensure that "the needs of productive sectors of the economy, and, in particular, those of farmers, small scale industrialists, and self-employed profesisonal groups are met in an increasing manner."

I may say, Mr. Speaker, Sir, that today these needs are being met to a far greater extent proportionately than they were ever being met before.

Then this goes on to say: 'Nationalised banks will actively foster the growth of new and progressive enterpreneurs and create fresh opportunities for hitherto neglected and backward areas in different parts of the country.'

I do not know what they did about this. The figures show what they did was negligible compared to what we have done in these 14 months. What we have done is of a substantial order.

Then it says, 'the use of bank credit for speculative and unproductive purposes will be curbed.' Of course, it is being curbed. What has happened in the last year since the change of the Government is that the public sector banks have been active in the mobilisation of deposits. They have been active in the provision of credit to industry and trade and particularly for the neglected sectors. The Reserve Bank's regulations for preventing the use of credit for speculative purposes have been strengthened.

The Government has taken numerous steps to further the social objectives which they wanted the public sector banks to subserve.

Now, take the question of the bank expansion. It has been mentioned before, but I will repeat again, because it is important to note this.

The total expansion of branches and the expansion of rural branches has been at a record level in 1977. In the rural areas, 2261 branches were opened in 1977. Figures were the previous years were: 1974—608; 1975—759, 1976—1400. And what was the figure for 1977? I may say it again,—2261. Can anybody say that nothing is being done? (*Interruptions*).

MR. SPEAKER: There is no point of order.

SHRI SAUGATA ROY: He cannot read it, Sir. (*Interruptions*).

MR. SPEAKER: There is no point of order. Order, order. Please resume your seat.

SHRI H. M. PATEL: Look at the order....

MR. SPEAKER: You please proceed.

SHRI H. M. PATEL: Yes, Sir, I will. I am strictly within my rights in reading what I want to read. Now I can give them a little more facts to which they may kindly listen.

When we took over, there were as many as 750 community development blocks in the country without a bank. In one year, it has been reduced to 250, that is to say, we have set up 450 banks in undeveloped areas. It is our intention to see that by June 1978—by June this year—with the exception, perhaps, of a dozen or so, all the community development blocks will have a bank. You say we are not observing the social objectives with which the Banks were nationalised. It is only now that the work is really starting; we have asked the banks to ensure that sixty per cent of the deposits mobilised by them in rural and semi-urban areas should be employed in such areas, unlike what was happening before when a major portion of the deposits collected in rural areas were being siphoned out and used outside, in the metropolitan and other areas. Today we have called upon them to see that this is the target we have fixed; you have to work. We have extended the differential rate of interest scheme to the entire country, whereas in their time, it was confined to limited areas. I think my hon. friend does not like that I should read. I will not read. But, when the facts have to be given, I am afraid, I have to look at them.

Then, Sir, it was said by Mr. Pai that the Act itself provides for reservation for scheduled castes and scheduled tribes. It is better than administrative directions. Now, Sir, he himself really said as to why it is that such statutory provisions are really not there. Really you don't allow that degree of flexibility. That is necessary in administering such provisions. He himself pointed out that the recruitment by banks should not be governed by degrees etc. Various qualifications are required. But, the most important of which is the commonsense. This is what he says.

Now, if this is to be ensured, then steps have to be taken and, it is in order to provide this degree of flexibility that we consider that statutory provisions are not necessary. But, the more important point is this that although they had statutory provision in the Act and although they had been talking of reservation for scheduled castes and scheduled tribes, there had been no directives under section 17 of the Act regarding reservation for scheduled castes and scheduled tribes in the Banks' recruitment or promotion. When we came on the scene, through executive instructions, we have brought about this situation whereby banks have been required to observe strict reservation of 15 per cent for scheduled castes and 7-1/2 per cent for scheduled tribes even in promotion and

[Shri H. M. Patel]

actually implement them. The House will be glad to know that the percentage of scheduled castes and scheduled tribes in total recruitments in 1977 was more than 30 per cent. (*Interruptions*).

SHRI C. K. JAFFER SHARIEF: Why do they shout?

MR. SPEAKER: Please sit down.

SHRI H. M. PATEL: Sir, I would like to say something. (*Interruptions*)

SHRI C. K. JAFFER SHARIEF: Why do they shout?

MR. SPEAKER: Please sit down? Dont disturb. You can't put questions.

SHRI H. M. PATEL: What I said is.... (*Interruptions*)

SHRI SAUGATA ROY: This should be laid on the Table of the House.

MR. SPEAKER: You are required to sit down. He is referring to the figures. You have only five minutes more.

SHRI H. M. PATEL: I would like to say that the necessity and the need for decentralisation is very great. There is need for ensuring that as large a number of people as possible should be recruited from each region with the knowledge of language of that area.

Now it was said in a critical manner that if this is going to be the case then people from Haryana will not be able to compete for places all over India. There is no risk of this nature at all. What is contemplated is that the recruitment machinery will be operated at these different centres and the recruitment will not be confined to these centres only. Other centres will also be selected and recruitment will be made there. The point my hon'ble friends in the Opposition have not taken note of is that they seem to imagine for all time to come banking in this country is going to be conducted in English.

AN HON. MEMBER: Sir, I rise on a point of order. I would like to know the percentage of Harijans and Girijans among the bank employees? The Minister has said it is 30 per cent. It is wrong.

SHRI H. M. PATEL: What I said was that of the recruitment made in 1977 we have had 30 per cent. That does not mean all the previous backlog was put right in one year. This is not what I said. My statement was very correct and careful

Sir, I will have to go back to the point about regional languages. It should be remembered that banking will have to be conducted in languages other than just English and if that is to be done, then greater emphasis will have to be laid on recruitment of people knowing those languages. It was suggested like UPSC if this statutory Banking Service Commission is allowed to have recruitment in different centres that will produce what we want, that is, a large number of people from different regions will get recruited. Sir, we know what has been happening in U.P.S.C. I mentioned about it in my initial observations that the recruitment was only confined to a limited number of people drawn from a few States. A great majority of States hardly had any representation in the All India Services. This is something which we want to avoid. We can avoid that only if we do in the manner I have suggested. It is our intention to see that the recruitment for the banking industry where the bulk of the recruitment to officers cadre is also made from amongst clerks is from the right calibre. As the clerks get experience, they are promoted. Therefore, greater emphasis has to be laid on the recruitment of clerks. They have to be of the right calibre and know the right number of languages. What is arranged is that the different centres will recruit people who speak language of those areas. They will also recruit personnel required for other banks who have to speak these languages. Because all these banks are all-India banks, in the same way in other centres we have to meet the requirement of other banks. In this way we will ensure that as large a number of persons as possible are represented in every region who can be of speaking all the languages. Sir, I think that this is the only real and necessary step. We have taken really a progressive step and we will achieve the objectives that we have in mind.

MR. SPEAKER: The question is:

> "That the Bill to repeal the Banking Service Commission Act, 1975, as passed by Lok Sabha and rejected by Rajya Sabha, be taken into consideration for the purpose of deliberating on the Bill."

Now there will be division by distribution of "Aye" and "No" slips in accordance with Rule 367AA of the Rules of Procedure and Conduct of Business in Lok Sabha. Rule 367AA provides as under:

> "367AA. (1) Where the Speaker directs under clause (c) of sub-rule (3) of rule 367 that the votes shall be recorded by members on "Aye" and "No" slips, the Division Clerks shall supply to each member at his seat, an "Aye" or "No" slip, according to the choice indicated by him. A member shall record his vote on the slip by signing and indicating his Division Number thereon.
>
> (2) After the members have recorded their votes, the Division Clerks shall collect the "Aye" and "No" slips and bring them to the Table where the votes shall be counted by the officers at the Table and the totals of 'Ayes' and 'Noes' presented to the Speaker.
>
> (3) The result of the Division shall be announced by the Speaker and it shall not be challenged."

A single slip will be given to each Member which is printed on both the sides. The side on which matter is printed in green ink is meant for recording of votes for "Ayes" and that printed in red ink for recording of votes for "Noes". Members are requested to put their signatures and write legibly the following details on the slip:

(1) Name

(2) Division Number (This will be the same as the division number allotted to the Member in Lok Sabha or Rajya Sabha)—

(3) House to which he belongs.

SHRI SAUGATA ROY: Regarding the procedure that you have adopted for division, I object to the whole procedure. Though the speaker under the Rules of procedure of Lok Sabha does have power to devise the rules of voting, think that division by slips without automatic recording system can give rise to manipulations on the part of the government which is in a hurry to pass this Bill. Let my objection to that procedure of division by distribution of slips be placed on record; let my objection to the government attempt to manipulate voting be placed on record.

MR. SPEAKER: The objection is untenable. I am going according to the rules framed by the House, namely rule 367AA.

SHRI K. LAKKAPPA (Tumkur): You should see that no manipulation is there.

17.37 hrs.

Division took place s

AYES

Abdul Lateef, Shri
Advani, Shri L. K.
Aghan Singh, Shri
Agrawal, Shri Satish
Ahmed Shri Halimuddin
Ahuja, Shri Subhash
Alhaj, Shri M. A. Hannan
Amat, Shri D.
Amin, Prof. R. K.
Anbalagan, Shri P.
Ansari, Shri Faquir Ali
Argal Shri Chhabiram
Arif Beg, Shri
Arunachalam, Shri V.
Asaithambi, Shri A. V. P.
Asokaraj, Shri A.
Asthana, Shri K. B.
Bagaitkar, Shri Sadashiv
Bagri, Shri Mani Ram
Bahuguna, Shri H. N.
Bahuguna, Shrimati Kamala
Bal, Shri Pradyumna
Balak Ram, Shri
Balbir Singh, Chowdhry
Baldev Prakash, Dr.
Baleshwar Dayal, Shri
Barakataki, Shrimati Renuka Devi
Barman, Shri Palas
Barnala, Shri Surjit Singh
Barrow, Shri A. E. T.
Basappa, Shri Kondaji
Bateshwar Hemram, Shri
Berwa, Shri Ram Kanwar
Bhabhda, Shri Harishanker
Bhagat, Shri Ganpat Hiralal
Bhagat Ram, Shri
Bhai Mahavir, Dr.
Bhandari, Shri Sunder Singh
Bhanu Pratap Singh, Shri
Bhanwar, Shri Bhagirath
Bharat Bhushan, Shri
Bhattacharya, Shri Dinen
Bhattacharya, Shri G. C.
Bhattacharaya, Shri Shyamaprasanna
Birendra Prasad, Shri
Borole, Shri Yashwant
Bosu, Shri Jyotirmoy
Brij Raj Singh, Shri
Burande, Shri Gangadhar Appa
Chakraborty, Shri Amar Prosad
Chakravarty, Prof. Dilip
Chand Ram, Shri
Chandan Singh, Shri
Chandra Shekhar, Shri
Chandra Shekhar Singh, Shri
Chandrapal Singh, Shri
Chandravati, Shrimati
Charan Narzary, Shri
Chatterjee, Shri Pranab
Chaturbhuj, Shri
Chaturvedi, Shri Shambhu Nath
Chaudhary, Shri Motibhai R.
Chaudhry, Shri Ishwar
Chaudhuri, Shri Tridib
Chauhan, Shri Bega Ram
Chauhan, Shri Nawab Singh
Chaurasia, Shri Shivdayal Singh
Chavda, Shri K. S.
Chhetri, Shri C. B.
Chowhan, Shri Bharat Singh
Chunder, Dr. Pratap Chandra
Dandavate, Prof. Madhu
Danwe, Shri Pundalik Hari
Das, Shri R. P.
Das, Shri S. S.
Dave, Shri Anant
Dawn, Shri Raj Krishna
Deo, Shri P. K.
Desai, Shri Morarji
Deshmukh, Shri Nanaji
Deshmukh, Shri Ram Prasad
Dhandayuthapani, Shri V.
Dhara, Shri Sushil Kumar
Dharia, Shri Mohan
Dhillon, Shri Iqbal Singh
Dhurve, Shri Shyam Lal
Digvijay Narain Singh, Shri
Dinesh Singh, Shri
Durga Chand, Shri
Dutt, Shri Asoke Krishna
Fernandes, Shri George
Ganga Bhakt Singh, Shri
Ganga Singh, Shri
Gattani, Shri R. D.
Gawai, Shri D. G.
Ghoshal, Shri Sudhir
Godara, Ch. Hari Ram Makkasar
Gore, Shrimati Mrinal
Goswami, Shrimati Bibha Ghosh
Gounder, Shri Venugopal
Govindjiwala, Shri Parmanand
Gowda, Shri S. Nanjesha
Gowda, Shri U. K. Lakshmana
Goyal, Shri Krishna Kumar
Guha, Shri Samar
Gulshan, Shri Dhanna Singh
Gupta, Shri Kanwar Lal

Gupta, Shri Ram Lakhan Prasad
Gupta, Shri Shyam Sunder
Halder, Shri Krishna Chandra
Harikesh Bahadur, Shri
Hazari, Shri Ram Sewak
Hedge, Shri Ramakrishna
Heera Bhai, Shri
Hukam Ram, Shri
Inder Singh, Shri
Jadhav, Shri Pandurang Dharmaji
Jagannathan, Shri S.
Jagbir Singh, Shri
Jagjivan Ram, Shri
Jain, Shri Dharamchand
Jain, Shri Kacharulal Hemraj
Jain, Shri Kalyan
Jain, Shri Nirmal Chandra
Jaiswal, Shri Anant Ram
Jamuna Devi, Shrimati
Jasotia, Shri Baldev Singh
Jethmalani, Shri Ram
Jha, Shri Shiv Chandra
Joarder, Shri Dinesh Chandra
Joshi, Shri Jagannath Rao
Joshi, Dr. Murli Manohar
Kadershah, Shri M.
Kakade, Shri Sambhaji Rao
Kakati, Shri Robin
Kaldate, Dr. Bapu
Kamath, Shri Hari Vishnu
Kamble, Shri B. C.
Kapoor, Shri L. L.
Kar, Shri Sarat
Kasar, Shri Amrut
Kaushik, Shri Purushottam
Kesharwani, Shri N. P.
Khalsa, Shri Basant Singh
Khan, Shri Ghayoor Ali
Khan, Shri Ghulam Mohammad
Khan, Shri Kunwar Mahmud Ali
Khan, Shri Mahmood Hasan
Khan, Shri Mohd. Samsul Hasan
Khrime, Shri Rinching Khandu
Khobragade, Shri B. D.
Khyoma Lotha, Shri
Kishore Lal, Shri
Kisku, Shri Jadunath
Kolanthaivelu, Shri R.
Kollur, Shri M. L.
Kotrashetti, Shri A. K.
Kripalani, Shri Krishna
Krishna Kant, Shri
Krishna, Shri M. R.
Krishnan, Shri E. R.
Kumari Anantham, Shri
Kundu, Shri Samarendra
Kunjachen, Shri P. K.
Kureel, Shri Jwala Prasad
Kureel, Shri R. L.
Kushwaha, Shri Ram Naresh
Lahanu Shidava Kom, Shri
Lakhan Singh, Shri
Lakshmanan, Shri G.
Lal, Shri S. S.
Lalji Bhai, Shri
Lalu Prasad, Shri
Lather, Shri Mohinder Singh
Limaye, Shri Madhu
Lyngdoh, Shri Hopingstone
Machhand, Shri Raghubir Singh
Mahala, Shri K. L.
Mahale, Shri Hari Shankar
Mahamaya Prasad Singh, Shri
Mahanti, Shri Bhairab Chandra
Mahata, Shri C. R.
Mahi Lal, Shri
Maiti, Shrimati Abha
Majhi, Shri Dhaneshwar
Malhotra, Shri Vijay Kumar
Malik, Shri Mukhtiar Singh
Mallick, Shri Hare Krushna
Mallick, Shri Ramchandra
Mandal, Shri B. P.
Mandal, Shri Dhanik Lai
Mandal, Shri Mukunda
Mangal Deo, Shri
Mankar, Shri Laxman Rao
Manohar Lal, Shri
Mathur, Shri Jagdish Prasad
Mathur, Shri Jagdish Prasad
Mayathevar, Shri K.
Meerza, Shri Syed Kazim Ali
Mehta, Shri Prasannbhai
Menon, Shri Viswanatha
Mhaisekar, Shri Govindrao Ramchandra
Mhalgi, Shri R. K.
Miri, Shri Govindram
Mishra, Shri Janeshwar
Mishra, Shri Kalraj
Mishra, Shri Shyamnandan
Modak, Shri Bijoy
Mody, Shri Piloo
Mohan Bhaiya, Shri
Mohanarangan, Shri R.
Mohanty, Shri Surendra
Mohd. Hayat Ali, Shri
Mohinder Kaur, Shrimati
Mondal, Dr. Bijoy
Morarka, Shri R. R.
Mrityunjay Prasad, Shri
Mukherjee, Shrimati Kanak

Mukherjee, Shri Samar
Multan Singh, Chaudhary
Munda, Shri Govinda
Munda, Shri Karia
Munusamy, Shri V. P.
Murmu, Father Anthony
Murugesan, Shri A.
Muthu, Dr. (Shrimati) Sathiavani
Nahar, Shri Bijoy Singh
Naidu, Shri N. P. Chengalraya
Narendra Singh, Shri
Nathi Singh, Shri
Nathu Singh, Shri
Nathwani, Shri Narendra P.
Nayak, Shri Laxminarayan
Nayar, Dr. Sushila
Negi. Shri T. S.
Nigam, Shri Ladli Mohan
Onkar Singh, Shri
Oraon, Shri Lalu
Oza, Shri Ghanshyambhai
Pajanor, Shri A. Bala
Pandey, Shri Ambika Prasad
Pandeya, Dr. Laxminarayan
Paraste, Shri Dalpat Singh
Parbhu Singh, Shri
Parikh, Prof. Ramlal
Parmai Lal, Shri
Parmar, Natwarlal B.
Parthasarthy, Shri P.
Parulekar, Shri Bapusaheb
Paswan, Shri Ram Vilas
Patel, Shri Dharamsinghbhai
Patel, Shri H.M.
Patel, Km. Maniben Vallabhbhai
Patel, Shri Manubhai Motilal
Patel, Shri Meetha Lal
Patel, Shri Narinbhai N.
Patidar, Shri Rameshwar
Patil. Shri S. D.
Pathak, Shri Ananda
Patnaik, Shri Biju
Patnaik, Shri Sivaji
Patoanayak, Shri B. C.
Patwary, Shri H. L.
Periasamy. Dr. P. V.
Pertin, Shri Bakin
Phirangi Prasad, Shri
Pipil, Shri Mohan Lal
Poddar, Shri R. K.
Pradhan. Shri Amar Roy
Pradhan. Shri Gananath
Pradhan, Shri Pabitra Mohan
Pradhan, Shri Patitpaban
Prakash. Shri K.
Prem Manohar, Shri
Raghavendra Singh, Shri
Raghavji, Shri
Raghbir Singh, Shri
Raghu Ramaiah, Shri K.
Rahi, Shri Ram Lal
Rai, Shri Gauri Shankar
Rai, Shri, Narmada Prasad
Rai, Shri Shiv Ram
Raj Keshar Singh, Shri
Raj Narain, Shri
Rajan, Shri Pattiam
Rajda, Shri Ratansinh
Rajender Kaur Shrimati
Raju, Shri K. A.
Rakesh, Shri R. N.
Ram, Shri R. D.
Ram Charan, Shri
Ram Deo Singh, Shri
Ram Dhan, Shri
Ram Gopal Singh, Chaudhury
Ram Kinkar, Shri
Ram Kishan, Shri
Ram Murti, Shri
Ram Sagar, Shri
Ramachandran Shri P.
Ramalingam, Shri P. S.
Ramamurti, Shri P.
Ramapati Singh, Shri
Ramasamy, Shri S.
Ramdas Singh, Shri
Rameshwar Singh, Shri
Ramji Singh, Dr.
Ramjiwan Singh, Shri
Ramoowalia, Shri Balwant Singh
Ranganathan, Shri S.
Rangnekar, Shrimati Ahilya P.
Ranjit Singh, Shri
Rao, Shri Jagannath
Rasheed Masood, Shri
Rathor, Dr. Bhagwan Dass
Ravindra Pratap Singh, Shri
Ray, Shri Rabi
Razack, Shrimati Noorjahan
Reddy, Shri B. Satyanarayan
Reddy, Shri R. Narasimha
Rehman, Shri P.
Radrigues, Shri Rudolph
Roy, Dr. Saradish
Saeed Murtaza, Shri
Saha, Shri A. K.
Saha, Shri Gadadhar
Sahoo, Shri Ainthu
Sai, Shri Larang
Sai, Shri Narhari Prasad Sukhdeo
Saini, Shri Manohar Lal

Saksena, Prof. Shibban Lal
Samad, Shri Golandaz Mohammadhussain, A.
Samantasinhera, Shri Padmacharan
Sanyal, Shri Sasankasekhar
Saran, Shri Daulat Ram
Sarangi, Shri R. P.
Sarda, Shri S. K.
Sardar, Shri Mahendra Narayan
Saring, Shri Leonard Soloman
Sarkar, Shri Shakti Kumar
Sarsonia, Shri Shiv Narain
Sarup Singh, Dr.
Satpathy, Shri Devendra
Satya Deo Singh, Shri
Sayian Wala, Shri Mohinder Singh
Scindia, Shrimati Vijaya Raje
Sen, Shri Prafulla Chandra
Sen, Shri Robin
Sezhiyan, Shri Era
Shah, Shri D. P.
Shah, Shri Surath Bahadur
Shah, Shri Viren J.
Shaiza, Shrimati Rano M.
Shakya, Shri Daya Ram
Shakya, Shri Mahadeepak Singh
Shanti Bhushan, Shri
Shanti Devi, Shrimati
Sharma, Shri Ajit Kumar
Sharma, Shri Jagannath
Sharma, Shri Rajendra Kumar
Sharma, Shri Yagya Dutt
Shastri, Shri Bhanu Kumar
Shastri, Shri Ram Dhari
Shastri, Shri Y. P.
Sheikh, Shri Abdul Rehman
Sheo Narain, Shri
Sher Singh, Prof.
Sheth, Shri Vinodbhai B.
Shiv Sampati Ram, Shri
Shiva Nandan Singh, Shri
Shrikrishna Singh, Shri
Shukla, Shri Chimanbhai H.
Shukla, Shri Madan Lal
Siddhu, Dr. M. M. S.
Sikandar Bakht, Shri
Singh, Dr. B. N.
Singh, Shri J. K. P. N.
Singha, Shri Sachindralal
Sinha, Dr. Ram Kripal
Sinha, Shri C. M.
Sinha, Shri H. L. P.
Sinha, Shri Purnanarayan
Sinha, Shri Satyendra Narain
Somani, Shri Roop Lal
Somani, Shri S. S.
Somasundaram, Shri S. D.
Sujan Singh, Shri
Sukhendra Singh, Shri
Suman, Ramji Lal
Suman, Shri Surendra Jha
Suraj Bhan, Shri
Surendra Bikram, Shri
Surendra Mohan, Shri
Surya Narayan Singh, Shri
Swamy, Dr. Subramaniam
Swatantra, Shri Jagannath Prasad
Syed Nizamuddin, Shri
Syed, Shahedullah, Shri
Tulwandi, Shri Jagdev Singh
Tej Pratap Singh, Shri
Thiagarajan, Shri P.
Tirkey, Shri Pius
Tiwary, Shri Brij Bhusan
Tiwary, Shri D. N.
Tiwary, Shri Madan
Tiwary, Shri Rama Nand
Tohra, Shri G. S.
Tompok Singh, Shri Ng.
Tripathi, Shri Madhav Prasad
Tripathi, Shri Ram Prakash
Tur, Shri Mohan Singh
Ugrasen, Shri
Vaghela, Shri Shankersinhji
Vaishampayen, Shri S. K.
Vajpayee, Shri Atal Bihari
Varma, Shri Bhagwati Charan
Verma, Shri Mahadeo Prasad
Varma, Shri Ravindra
Vasisht, Shri Dharam Vir
Venka, Shri V.
Verma, Shri Brij Lal
Verma, Shri Chandra Deo Prasad
Verma, Shri Hargovind
Verma, Shri Phool Chand
Verma, Shri R. L. P.
Verma, Shri Raghunath Singh
Verma, Shri Sukhdeo Prasad
Visvanathan, Shri C. N.
Warjri, Shri Alexander
Yadav, Shri Gyaneshwar Prasad
Yadav, Shri Jagdambi Prasad
Yadav, Shri Hukmdeo Narain
Yadav, Shri Narsingh
Yadav, Shri Ramji Lal
Yadav, Shri Sharad
Yadav, Shri Vinayak Prasad
Yadava, Shri Roop Nath Singh
Yadvendra Dutt, Shri
Yuvraj, Shri
Zulfiquarullah, Shri

NOES

Adivarekar, Shrimati Sushila Shankar
Ahsanjafri, Shri
Alagesan, Shri O. V.
Alva, Shrimati Margaret
Amarjit Kaur, Shrimati
Amla, Shri Tirath Ram
Anandam, Shri M.
Anjiah, Shri T.
Antulay, Shri A. R.
Arif. Shri Mohammed Usman
Arunachalam, Shri M.
Austin, Dr. Henry
Avergoankar, Shri R. D. Jagtap
Aziza Imam, Shrimati
Balakrishnaiah, Shri T.
Banerjee, Shri Jaharlal
Bansi Lal, Shri
Barman, Shri Prasenjit
Barua, Shri Bedabrata
Besavaraj, Shri H. R.
Basheer, Shri T.
Bhagwan Din, Shri
Bheeshma Dev, Shri M.
Bhim Raj, Shri
Bhishma Narain Singh, Shri
Bonde, Shri Nanasahib
Borooah, Shri D. K.
Bose, Shrimati Pratima
Burman, Shri Bir Chandra Deb
Burman, Shri Kirit Bikram Deb
Chandrappan, Shri C. K.
Chavan, Shri Y. B.
Chavan, Shrimati P.
Chettre, Shri K. B.
Chikkalingaiah, Shri K.
Choudhury, Shrimati Rashida Haque
Dabhi, Shri Ajitsinh
Damani, Shri S. R.
Das, Shri Bipinpal
Dasappa, Shri Tulsidas
Deo, Shri V. Kishore Chandra S.
Desai, Shri Dajiba
Desai, Shri Hitendra
Desai, Shri R. M.
Deshmukh, Shri Bapuraoji Marotraoji
Deshmukh, Shri Sheshrao A.
Devarajan, Shri B.
Dhabe, Shri S. W.
Dhondge, Shri Keshavrao
Dinesh Chandra, Shri Swami
Doley, Shri L. K.
Dutt, Dr. V. P.
Dwivedi, Shri Devendra Nath
Faleiro, Shri Eduardo
Gadgil, Shri Vithal
Ghose, Shri Sankar
Gill, Shri Raghbir Singh
Gade, Shri Santoshrao
Gogoi, Shri Tarun
Gomango, Shri Giridhar
Gopal, Shri K.
Goswami, Shri Dinesh
Gotkhinde, Shri Annasaheb
Gupta, Shri Bhupesh
Gupta, Shri Gurudev
Hamida Habibullah, Shrimati
Hande, Shri V. G.
Hansda, Shri Phanindra Nath
Ibrahim Kalaniya, Shri
Jaffer Sharief, Shri C. K.
Jawade, Shri Shridharrao, N.
Jeyalakshmi, Shrimati V.
Jha, Shri Kamalnath
Joshi, Shri Jagdish
Joshi, Shri Krishna Nand
Joshi, Shrimati Kumudben Manishankar
Kadam, Shri B. P.
Kalyanasundaram, Shri M.
Kamakshaiah, Shri D.
Kamble, Prof. N. M.
Kandanapalli, Shri Ramachandran
Karan Singh, Dr.
Kesri, Shri Sitaram
Khan, Shri F. M.
Khan, Shri Khurshed Alam
Khan, Shri Maqsood Ali
Khan, Shrimati Ushi
Kharparde, Shrimati Saroj
Kidwai, Shrimati Mohsina
Kodiyan, Shri P. K.
Kolur, Shri Rajshekhar
Kosalram, Shri K. T.
Krishnan, Shri G. J.
Krishnappa, Shri M. V.
Kulkarni, Shri A. G.
Kumaran, Shri S.
Kunhambu, Shri K.
Kureel, Shri Piare Lall
Lakkappa, Shri K.
Lakshminarayanan, Shri M. R.
Laskar, Shri Nihar
Lokesh Chandra, Dr.
Madhavan, Shri K. K.
Mahapatro, Shri Lakshmana
Mahida, Shri Harisinh Bhagubava
Mainmoona Sultan, Shrimati
Mallikarjun, Shri
Mane, Shri Rajaram Shankarrao
Manhar, Shri Bhagatram

Maragatham Chandrashekhar, Shrimati
Maurya, Shri Buddha Priya
Meduri, Shri Nageswara Rao
Mehrotra, Shri Prakash
Menon, Shrimati Leela Damodara
Mirdha, Shri Nathuram
Mishra, Shri Gargi Shankar
Mishra, Shri Mahendra Mohan
Mittal, Shri Sat Paul
Mohammad Rahmatullah, Shri
Mondal, Shri Ahmad Hossain
Moopanar, Shri G. K.
Mukherjee, Shri Pranab
Mukhopadhyay, Shrimati Purabi
Murthy, Shri K. K.
Murty, Shri M. V. Chandrashekhara
Murugaeyan, Shri S. G.
Naidu, Shri P. Rajagopal
Naik, Shri L. R.
Naik, Shri S. H.
Nair, Shri B. K.
Nair, Shri M. N. Govindan
Nanda, Shri Narasingha Prasad
Narayana, Shri K. S.
Pai, Shri T. A.
Pande, Shri Bishambhar Nath
Pant, Shri K. C.
Parvathi Krishnan, Shrimati
Parvati Devi, Shrimati
Patel, Shri Ahmed M.
Patil, Shri Balasaheb Vikhe
Patil, Shri D. B.
Patil, Shri Deorao
Patil, Shri S. B.
Patil, Shri U. S.
Patil, Shri Vijay Kumar N.
Pradhani, Shri K.
Pratibha Singh, Shrimati
Pullaiah, Shri Darur
Qureshi, Shri Mohd. Shafi
Rai, Shri Kalp Nath
Rajen, Shri K. A.
Raju, Shri P. V. G.
Raju, Shri V. B.
Ramalingam, Shri N. Kudanthai
Ramamurthy, Shri K.
Ranga, Shri N. G.
Rao, Shri Mallikarjuna G.
Rao, Shri P. V. Narasimha
Rao, Shri Pattabhi Rama
Rao, Shrimati B. Radhabai Ananda
Rao, Shri M. S. Sanjeevi
Rao, Shri V. C. Kesava
Rath, Shri Ramachandra
Ravi, Shri Vayalar
Reddy, Shri G. S.
Reddy, Shri K. Brahmananda
Reddy, Shri K. V. Raghunatha
Reddy, Shri K. Obal
Reddy, Shri K. Vijaya Bhaskara
Reddy, Shri Mulka Govinda
Reddy, Shri P. Bayappa
Rathawa, Shri Amersinh
Roshan Lal, Shri
Roy, Shri A. K.
Roy, Shri Saugata
Sahu, Shri Santosh Kumar
Salve, Shri N. K. P.
Sathe, Shri Vasant
Sayeed, Shri P. M.
Scato Swu, Shri
Shanker Dev, Shri
Shankaranand, Shri B.
Sharma, Shri A. P.
Sharma, Shri Kishan Lal
Shastri, Shri Bhola Paswan
Shinde, Shri Annasahib P.
Shrangare, Shri T. S.
Sinha, Shri Indradeep
Sisodia, Shri Sawaisingh
Soni, Shrimati Ambika
Stephen, Shri C. M.
Sudheeran, Shri V. M.
Sultan Singh, Shri
Suryanarayana, Shri K.
Swamy, Shri Sidrameshwara
Syed Abdul Malik, Shri
Thorat, Shri Bhausaheb
Tilak, Shri Jayant Shridhar
Totu, Shri Gian Chand
Triloki Singh, Shri
Tripathi, Shri Kamlapati
Unnikrishnan, Shri K. P.
Venkatasubbaiah, Shri P.
Venkatrao, Shri Chadalavada
Veerabhadrappa, Shri K. S.
Yadav, Shri Ramanand
Yadav, Shri Shyamlal
Yogendra Makwana, Shri

18.14 hrs.

MR. SPEAKER: Subject to further check-up, the result of the Division is as follows:

Ayes: 439; Noes 208.

The motion was adopted.

Clause 2—(*Definitions*)

MR. SPEAKER: We take up clause 2. Mr. Bhupesh Gupta, are you moving your amendment No. 7?

SHRI BHUPESH GUPTA: Yes, Sir.

MR. SPEAKER: Mr. Sankar Ghose, are you moving your amendment No. 8?

SHRI SANKAR GHOSE: Yes, Sir.

SHRI BHUPESH GUPTA: I beg to move:

Page 1, *for* line 8, *substitute*—

'(a) "appointed day" means the day when President gives assent to the Bill.' (7)

SHRI SANKAR GHOSE: I beg to move:

Page 1, line 8,—

for "the 19th day of September, 1977"

substitute "the date to be notified by the Government after the Act comes into force." (8)

SHRI BHUPESH GUPTA: My amendment relates to the clause which proposes to give retrospective effect to the Bill. I do not want to give it retrospective effect. Here, the "appointed day" means 19th September. But what I am proposing is that the "appointed day" shall be the day on which the President gives assent to this Bill.

My reason is very simple. In principle, I am not in favour of giving a parliamentary legislation retrospective effect because this is not done. In this case, an Ordinance was issued and the Ordinance lapsed. The hon. Minister in the course of his speech pointed out that there was no repealing Act, that there was no repealing Ordinance and that there was no law which we were going to repeal. Now, I find, in one of the amendments proposed by the Finance Minister that he has accepted the position and he himself says in his amendment, "Anything done or any action taken under the Banking Service Commission (Repeal) Ordinance, 1977 which ceased to operate". Besides this, the point that I made in the morning was that the Ordinance has ceased to operate and, at the consideration stage, we are called upon to consider this Repeal law. Therefore, my amendment is intended not to put any premium on the said action on the part of the Government.

I would briefly give my reasons. The Government took the decision to repeal the Banking Service Commission Act in April, 1977. After this, there was a session of Parliament. The Government could have easily come with a Bill to get it passed and the Ordinance repealed. The Government did not take advantage of the session which immediately followed. It waited till the budget session was over. Then, taking advantage of the recess period, they promulgated a Repealing Ordinance in September, 1977. They got the Bill passed in the winter session of the Lok Sabha. But it goes to the credit of the Rajya Sabha that it did not allow this kind of a Bill to get through. That is why we are here today.

I would end by only saying that the behaviour of the Government in this matter will be endorsed and condoned if we do not give this Bill retrospective effect. On the 19th September, when the Ordinance was promulgated, the office of the Banking Service Commission in Delhi was forcibly locked up. This was not done in a proper way. It was forcibly locked up on the 19th September, 1977 by the Government. The employees of the Banking Service Commission took exception to this. The Rajya Sabha rejected the Bill and the Ordinance expired. The Banking Service came into force. remained in Force. The Government did not respect the views of the Rajya Sabha and Parliament even though the Act was in force. Even then they did not open the office. Several letters were written by the Chairman of the Banking Service Commission to discuss how the service should be conducted. In view of the fact that the Ordinance expired, no letter was replied to by this Government. Therefore, I take this whole thing, even this dictatorial measure, even this arbitrary measure is conceived in malice and executed illegally in total disregard of the fact that Parliament did not approve of it and that the Ordinance had lapsed. Therefore, I say that nothing should be condoned. Let this Bill come with the force of the President's assent. Then we will see.... (*Interruptions*) Yes, you are a yes man.

SHRI SANKAR GHOSE: My amendment reads:

Page 1, line 8,—

for "the 19th day of September, 1977"

substitute—

"the date to be notified by the Government after the Act comes into force".

This is necessary. Otherwise, there will be an anomaly. The effect of the amendment the Finance Minister has brought is that salary will be paid from the date of the cesser of operation of the Ordinance till the date of assent and no salary before that would be paid. So, there is a contradiction. If my amendment is accepted, this contradiction will be avoided.

MR. SPEAKER: Mr. Minister, are you accepting the amendment?

SHRI H. M. PATEL: No.

MR. SPEAKER: Now I shall put amendment No. 7 moved by Shri Bhupesh Gupta to the vote of the House.

Amendment No. 7 was put and negatived.

MR. SPEAKER: Now I shall put amendment No. 8 moved by Shri Sankar Ghose to the vote of the House..

Amendment No. 8 was put and negatived.

MR. SPEAKER: The question is:

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill

Clauses 3 and 4 were added to the Bill.

Clause 5.—(*Repeal and saving*)

MR. SPEAKER: There is a Government Amendment No. 3.

SHRI SAUGATA ROY: I am on a point of order. This is a very serious point of order.

MR. SPEAKER: Uptill now, it was not serious. I am glad that this is very serious this time.

SHRI SAUGATA ROY: I am reading out Article 108(4) of the Constitution. It says:

> "If at the joint sitting of the two Houses the Bill, with such amendments, if any, as are agreed to in joint sitting, is passed by a majority of the total number of members of both Houses present and voting, it shall be deemed for the purposes of this Constitution to have been passed by both Houses:"
>
> "....Provided that at a joint sitting—
>
> (a) if the Bill, having been passed by one House, has not been passed by the other House with amendments and returned to the House in which it originated, no amendment shall be proposed to the Bill other than such amendments (if any) as are made necessary by the delay in the passage of the Bill;
>
> (b) if the Bill has been so passed and returned, only such

[Shri Saugata Roy]

> amendments as aforesaid shall be proposed to the Bill and such other amendments as are relevant to the matters with respect to which the Houses have not agreed;.."

My point with reference to Article 108(4)(a) is that the operative part is, "other than such amendments (if any) as are made necessary by the delay in the passage of the Bill." The amendments which you have referred to up till now, are amendments which relate to delay in the passage of the Bill. But the Government amendment to clause 5 says:

> "Page 2,—
>
> *for* lines 43 to 47, *substitute*—
>
> "Savings. 5(1) Anything done or any action taken under the Banking Service Commission (Repeal) Ordinance, 1977 [10 of 1977], which ceased to operate, shall be deemed to have been done or taken under the corresponding provisions of this Act."

This is all right, according to the Constitution. But then there is part (2) of this amendment, which says:

> (2) Nothing in this Act shall be deemed to affect the right of the Chairman of the Banking Service Commission of any other person appointed by the said Commission to receive salary, allowances or other benefits, in accordance with the terms and conditions of service applicable to him for the period from the date of cesser of operation of the said Ordinance till the date on which this Act receives the assent of the President (both days inclusive)."

My objection to this whole amendment is that it is a substantive amendment, and it does not relate only to the delay in the passage of the Bill; and hence it is out of order and should not be allowed.

MR. SPEAKER: I have considered the matter. The amendment in question squarely falls under proviso (a) to clause (4) of Article 108. The objection is over-ruled.

SHRI H. M. PATEL: I move the amendment standing against my name. I beg to move:

> "Page 2,—
>
> *for* lines 43 to 47, *substitute*—
>
> "Savings. 5(1) Anything done or any action taken under the Banking Service Commission (Repeal) Ordinance, 1977 [10 of 1977], which ceased to operate, shall be deemed to have been done or taken under the corresponding provisions of this Act.
>
> (2) Nothing in this Act shall be deemed to affect the right of the Chairman of the Banking Service Commission or of any other person appointed by the said Commission to receive salary, allowances or other benefits, in accordance with the terms and conditions of service applicable to him, for the period from the date of cesser of operation of the said Ordinance till the date on which this Act receives the assent of the President (both days inclusive)." (3)

MR. SPEAKER: Mr. Kamble, are you moving the amendment?

SHRI B. C. KAMBLE (Bombay South-Central): I beg to move:

> "Page 2,—
>
> *for* clause 5, *substitute*—
>
> "Savings.—5. (1) Anything done or any action taken under the Banking Service Commission (Repeal) Ordinance, 1977

> which ceased to operate shall be deemed to have been done or taken under the corresponding provisions of this Act.
>
> (2) Nothing in this Act shall be deemed to affect the right of the Chairman of the Banking Service Commission or of any other person appointed by the said Commission to receive salary, allowances or other benefits in accordance with terms and conditions of the service applicable to him till the period of the 'appointed day'." (9)

I hope that the hon. Finance Minister will be pleased to accept my amendments, because this is bodily taken up except for the difference that this is made more consistent. So far as the operative clause (4) is concerned, about the proceeding as well as the balance of all monies, transferring of all properties and their liabilities, the last date for their validity is the 'appointed date'. Therefore, so far as the claim with regard to the salaries is concerned, it cannot be made after the 'appointed date'. Therefore, I have moved this amendment. If the hon. Finance Minister is pleased to accept it, then I will be very glad. If he is not prepared, I will not press it at all.

MR. SPEAKER: Now we come to clause 5, amendment No. 3, moved by Mr. Patel. Mr. Patel, do you want to reply?

SHRI H. M. PATEL: I don't want to.

MR. SPEAKER: The question is:

Page 2,—

for lines 43 to 47, *substitute*—

> "Savings. 5(1) Anything done or any action taken under the Banking Service Commission (Repeal) Ordinance, 1977 [10 of 1977], which ceased to operate, shall be deemed to have been done or taken under the corresponding provisions of this Act.
>
> (2) Nothing in this Act shall be deemed to affect the right of the Chairman of the Banking Service Commission or of any other person appointed by the said Commission to receive salary, allowances or other benefits, in accordance with the terms and conditions of service applicable to him, for the period from the date of cesser of operation of the said Ordinance till the date on which this Act receives the assent of the President (both days inclusive)." (3)

The motion was adopted.

MR. SPEAKER: Next is Mr. Kamble's amendment. In view of the earlier acceptance of this substitute, Mr. Kamble's amendment becomes barred. Now the question is:

"That Clause 5, as amended, stand part of the Bill."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Clause 1.—(*Short title and Commencement.*)

SHRI H. M. PATEL: I beg to move:

Page 1, line 4,—

for "1977" *substitute* "1978" (2)

SHRI BHUPESH GUPTA: I beg to move:

Page 1,—

for lines 5 and 6, *substitute*—

> "(2) It shall be deemed to have come into force on the day when President gives assent to the Bill." (5)

MR. SPEAKER: The question is:
Page 1, line 4,—

for "1977" *substitute* "1978" (2).

The motion was adopted.

MR. SPEAKER: I will now put amendment No. 5 by Shri Bhupesh Gupta to the vote of the House.

Amendment No. 5 was put and negatived.

MR. SPEAKER: The question is:

"That clause 1, as amended, stand part of the Bill".

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Enacting Formula

SHRI H. M. PATEL: I beg to move:
Page 1, line 1,—

for "Twenty-eighth" *substitute*—
"Twenty-ninth" (1)

MR. SPEAKER: The question is:
Page 1, line 1,—

for "Twenty-eighth" *substitute*—
"Twenty-ninth" (1)

The motion was adopted.

MR. SPEAKER: The question is:

"That the Enacting Formula, as amended, stand part of the Bill".

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The title was added to the Bill.

SHRI H. M. PATEL: I move:

"That the Bill, as amended, be passed".

MR. SPEAKER: Motion moved:

"That the Bill, as amended, be passed".

PROF. P. G. MAVALANKAR (Gandhinagar): Mr. Speaker, Sir, I deem it a privilege to speak on this occasion of a Joint Sitting, in the historic setting of this chamber. I want to be very brief. I had voted in favour of this Bill last time in the Lok Sabha only after getting a firm assurance from my esteemed friend, the Minister of Finance, that the Janata Government's policy is, not only not going to be de-nationalising the Banks but, on the contrary, it will be going ahead in the direction of strengthening the purpose of nationalisation and make it possible for the underdogs, the socially, economically and politically under-privileged people to have more and more benefits out of the banking operations. Because I believe him to be sincere, I want to take these two minutes to support him.

In the morning today I was amused, if I may put it that way in all humility, to find several of my esteemed and dear colleagues on the Opposition Benches raising a series of points of order. I must thank the Janata Party Government for making it possible for them to raise the points of order because these very friends had been totally silent in July, 1975, when this Bill was passed when we were absent, not because of our choice; some of us were absent, including the hon. Prime Minister and many of his esteemed colleagues in the Cabinet, because they were whisked away to various places in a very surreptitious manner; and some of us, after opposing the emergency, chose to remain absent. *(Interruptions)*

SHRI VAYALAR RAVI: It is irrelevant.

PROF. P. G. MAVALANKAR: The relevancy is obvious. This Bill was passed by the previous Parliament during the period of emergency, and I want to suggest that the Bill which was passed in July, 1975....

(Interruptions)

PROF. P. G. MAVALANKAR: I am perfectly justified in saying....

(Interruptions)

SHRI C. M. STEPHEN: You please hear my point of order.

(*Interruptions*)

SHRI C. M. STEPHEN: Le me hear his point of order.

THE MINISTER OF EXTERNAL AFFAIRS (SHRI ATAL BIHARI VAJPAYEE): There is a limit. Why is Mr. Mavalankar being interrupted?

(*Interruptions*)

MR. SPEAKER: I request the House to co-operate with me. After all, in five minutes it will be over.

SHRI ATAL BIHARI VAJPAYEE: Let Mr. Mavalankar finish.

MR. SPEAKER: He has a point of order. (*Interruptions*) Order, order.

SHRI C. M. STEPHEN: I am on a point of order. The point of order is this. The speech on the third reading can only be either in support or opposition. No other matter can be brought in. Why the Bill must be accepted, he can say; why it must be opposed, he can say. No other rule makes such a stipulation. This is the only rule where there is such a stipulation. Mr. Mavalankar in his speech is covering subjects which are absolutely irrelevant, which need not be touched for either supporting or opposing. I would appeal to my friends. We are cooperating to the maximum in getting this Bill through. A division was asked for. Every other clause we agreed to be passed by voice vote. Our attitude is not one of obstruction. We accept the situation. Therefore, we expect the same treatment from you also. That treatment is not forthcoming. I rose on a point of order. I took the mike after Mr. Mavalankar permitted me. I did not take the mike otherwise. That courtesy I showed. Therefore, I appeal to you to kindly direct the member to be within the limits as per the rules. What he is submitting is outside the scope of the rules.

MR. SPEAKER: There is no rule governing it. But the convention is that during the third reading, we do not raise controversial matters. I request Mr. Mavalankar not to raise controversial matters.

(*Interruptions*)

PROF. P. G. MAVALANKAR: Mr. Speaker, I shall respect your ruling and shall abide by your instruction. I am only sorry that truth and history have become controversies. Anyway, all I will say is that, and that too in a very short time, and in couple of sentences, and then sit down. I am supporting this Bill because the original Act which is now being repealed by this Bill was for centralisation and this Bill is taking away that centralisation and the kind of political bossism that was perpetrated under the old Act. Therefore I am supporting this Bill.

Lastly, this new Government's policy of regional boards and guidelines which I have carefully gone through indicate quite clearly that the new scheme will not only make it possible for recruitment to be done more practically and more conveniently but the local flavour and the regional and local needs also will be met. That is why I support this Bill.

Lastly, I hope the Janata Government in carrying on this policy of pragmatism and this policy of a sensible and practical approach to economic and social problems will none-the less continue to see to and implement the policy that the economically and socially backward people get their proper and legitimate due. Thank you.

MR. SPEAKER: The question is:

> "That the Bill, as amended, be passed."

The motion was adopted.

MR. SPEAKER: The Bill, as amended, is passed. The joint sitting of the Houses of Parliament is concluded.

18.45 hrs.

The Joint Sitting of the Houses of Parliament then concluded.

GMGIPMRND—PMR—1157LS—21-7-78—1450